United Nations CRC/C/SLB/2-3

Convention on the Rights of the Child

Distr.: General
8 March 2017

Original: English
English, French and Spanish only

Committee on the Rights of the Child

Consideration of reports submitted by States parties under article 44 of the Convention

Combined second and third periodic reports of States parties due in 2007

Solomon Islands*

[Date received: 1 July 2016]

* The present document is being issued without formal editing.

Please recycle

List of legislation[1]

Adoption Act 2004

Affiliation, Separation and Maintenance Act [Cap.1]

Births and Deaths (Registration) Act [Cap.168]

Cinematograph Act [Cap.137]

Correctional Services Act 2007

Criminal Procedure Code [Cap.7]

Dangerous Drugs Act [Cap.98]

Education Act [Cap.69]

Evidence Act 2009

Family Protection Act 2014

Facilitation of International Assistance Act 2003

Health Services Act [Cap.100]

Immigration Act 2012

Islanders Marriage Act [Cap.171]

Juvenile Offenders Act [Cap.14]

Labour Act [Cap.73]

Liquor Act [Cap.144]

Medical and Dental Practitioners Act [Cap.102]

Mental Treatment Act [Cap.103]

Ombudsman (Further Provisions) Act [Cap.88]

Pharmacy and Poisons Act [Cap.105]

Penal Code [Cap.26]

Police Act 2013

Tobacco Control Act 2010

Tobacco Control Regulations 2013

Truth and Reconciliation Commission Act 2007

[1] Legislation followed by a reference to its chapter refers to legislation contained in the bound volumes of 1996 Revised Laws of Solomon Islands eg Affiliation, Separation and Maintenance Act [Cap 1]. Legislation followed only by date refers to legislation enacted after 1996 which are not contained in the 1996 Revised Laws.

Abbreviations

AusAID	Australian Aid Agency
CBR	Community Based Rehabilitation
CCC	Christian Care Centre
CDD	Children's Development Division
CFWB	Child and Family Welfare Bill
CLAPP Report	2010 UNICEF Regional Report on Children living away from Parents in the Pacific
CP Baseline Report	Child Protection Baseline Report (Protect me with Love and Care) 2010
CRC	Convention on the Rights of the Child
CSEC	Commercial Sexual Exploitation of Children
CSO	Civil Society Organisation
CSSI	Correctional Services of Solomon Islands
CRRP	Curriculum Review and Reform Programme
CYiCL	Children and Youth in Conflict with the Law
DWCP	Decent Work Country Programme
ECE	Early Childhood Education
ECCE	Early Childhood Care and Education
ECPAT	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
ESIRP	Education Sector Investment and Reform Programme
EU	European Union
FBO	Faith-Based Organisation
FPA 2014	Family Protection Act 2014
FSC	Family Support Centre
GDP	Gross Domestic Product
HSSP	Health Sector Support Programme 2008-2015
ILO	International Labour Organisation
ITN	Insecticide Treated Mosquito Nets
MAP	Malaria Action Plan
MCILI	Ministry of Commerce, Industries, Labour and Immigration
MDG	Millennium Development Goal
MEHRD	Ministry of Education and Human Resource Development
MHA	Ministry of Home Affairs

MHMS	Ministry of Health and Medical Services
MJLA	Ministry of Justice and Legal Affairs
MWYCFA	Ministry of Women, Youth, Children and Family Affairs
NACC	National Advisory Committee on Children
NAACC	National Advisory Action Committee for Children
NEAP	National Education Action Plan
NDS	National Development Strategy
NGO	Non-Governmental Organisation
NHRI	National Human Rights Institution
NRH	National Referral Hospital
NZAID	New Zealand Aid
OHCHR	Office of the High Commissioner for Human Rights
RAMSI	Regional Assistance Mission to Solomon Islands
RSIPF	Royal Solomon Islands Police Force
SCA	Save the Children Australia
SICA	Solomon Islands Christian Association
SICHE	Solomon Islands College of Higher Education
SIDHS	Solomon Islands Demographic and Health Survey
SIDT	Solomon Islands Development Trust
SIEMIS	Solomon Islands Education Management Information System
SIFHSS	2009 Solomon Islands Family Health and Safety Study
SIG	Solomon Islands Government
SILRC	Solomon Islands Law Reform Commission
SINPF	Solomon Islands National Provident Fund
SINU	Solomon Islands National University
SIPPA	Solomon Islands Planned Parenthood Association
SISTA	Solomon Islands Standardised Test of Achievement
SPC	Secretariat of the Pacific Community
SSEC	South Seas Evangelical Church
SWD	Social Welfare Division
TACSEC	Taskforce Against Commercial and Sexual Exploitation of Children
The Government	The Solomon Islands Government
TRC	Truth and Reconciliation Commission
TVET	Technical and Vocational Education and Training
UNCRC	United Nations Convention on the Rights of the Child

The Committee	United Nations Convention on the Rights of the Child Committee
UNESCAP	United Nations Economic and Social Commission for Asia and the Pacific
UNICEF	United Nations Children Fund
UNFPA	United Nations Population Fund
USP	University of South Pacific
WHO	World Health Organisation

Contents

		Page
	List of legislation	2
	Abbreviations	3
	Introduction	7
I.	General measures of implementation	7
II.	Definition of the child	18
III.	General principles	19
IV.	Civil rights and freedoms	24
V.	Violence against children	27
VI.	Family environment and alternative care	30
VII.	Disability, basic health and welfare	33
VIII.	Education, leisure and cultural activities	44
IX.	Special protection measures	49
X.	Optional Protocols	57
XI.	Annexures	57

Introduction

1. Where the Report makes no mention of data (including disaggregated data), it means no data is available. The State also faces challenges in the monitoring and evaluation of programs that implement CRC.

2. The Report does not cover independent NGO work on CRC compliance.

3. Solomon Islands ratified CRC in 1995 and submitted its initial report to the Committee in 2002.

4. The extended family system is under pressure from socio-economic changes where the shift to a monetized economy is slowly eroding the traditional social security system, which is based on a rural subsistence economy. Families are becoming more cash-dependent resulting in susceptibility to bribes, unfair distribution and unsustainable harvesting of natural resources.

5. Education remains neither compulsory nor free. Educational opportunity for the girl child in a family is often subordinate to that of the boy. Recent changes create more equal opportunities for boys and girls.

6. Social problems increasingly affecting youths include single teenage motherhood, STIs, youth delinquency, sexual and physical abuse, youth suicide, alcohol and drug abuse.

7. Rural-urban migration amongst educated youths is a growing phenomenon where there is increasing pressure on existing infrastructure and high rate of unemployment.

8. Changes in societal values weaken the traditional family unit upon which children depend for their security.

9. Acute respiratory infections, diarrhoea, malaria and other infectious diseases remain important health problems for children.

I. General measures of implementation

A. Measures adopted to review and bring domestic legislation and practice into full conformity with the Convention

1. The following legislation contain inconsistencies with CRC provisions and are either under current review or pending review:

Legislation	*Non-compliance with CRC*
Penal Code	Minimum age of criminal responsibility is 8 years. Numerous provisions also address sexual offending against children.
Criminal Procedure Code	No specific provision for child-friendly hearings i.e. court room layout, language used etc.
Affiliation, Separation and Maintenance Act	Age limit of qualification for affiliation support is16 years.
Labour Act	Section 2 provides that minimum age of employment is 12 years.

Legislation	*Non-compliance with CRC*
	Definition of "family" includes wife of a worker and children who are unmarried and under 14 years. Children above 14 years are no longer a member of a family.
Islanders Marriage Act	Age for marriage remains 15 years for both genders.
	No birth documentation to prove age is required for marriage.
Juvenile Offenders Act	No provision for process to be utilized in juvenile justice situations.
	No express provision for a separate juvenile detention facility.
	No formal provision afforded to diversion or recognized diversion practices.
	No specific provision exists for rehabilitation.

2. Cabinet endorsed the CFWB to introduce specific child protection or child rights legislation with MWYCFA's coordination.

3. The following legislation are either entirely or partially CRC-compliant:

- Correctional Services Act 2007
- Adoption Act 2004
- Tobacco Control Act 2010
- Evidence Act 2009
- Immigration Act 2012
- FPA 2014

4. The National Children's Policy commits to the following specific outcomes:

- Legislation be more compatible with CRC to protect children under the age of 18 from all forms of abuse, neglect and exploitation
- Increase the age of marriage without parental or judicial consent from 15 to 18 years and the minimum age of employment raised from 12 to 18 years
- Review matrimonial property and social security laws to ensure that children with special needs such as those born out of wedlock, neglected, displaced or deserted are assisted and their status protected

5. The Penal Code and the Criminal Procedure Code (introduced in 1963 and 1964 respectively) are being reviewed by SILRC. The following SILRC recommendations have been made regarding the sexual offences in the Penal Code to render it CRC-compliant:

Issue	*Recommendation*
Modifying current offences to adequately protect children	Offence of defilement of a girl under 15 years be replaced with a new offence of sexual intercourse with a child under 15 years.

Issue	*Recommendation*
	Act of sexual intercourse can be made by the perpetrator or the child.
	Where the child is under 13 years, or if the offence is committed by a person in a position of trust, authority or dependency with the child, the maximum penalty be life imprisonment.
	If the child is aged 13 to 15 years, and offence is not committed by a person in a position of trust, authority or dependency the maximum penalty be 15 years imprisonment.[2]
Minimum age for marriage	Minimum age for customary marriage be aligned with minimum age for marriage under the Islanders' Marriage Act.
	Islanders' Marriage Act to only allow marriage under 15 years in exceptional circumstances (including pregnancy or where marriage is in the best interests of the unborn child).
	Stricter requirement be placed on an accused relying on the defence of reasonable belief that the child was 15 years or older. For belief to be reasonable the accused must demonstrate that he/she took reasonable steps to ascertain the child's age.
Introduce new and specific offences for children	Offence of indecent assault be replaced with offence of indecent touching without consent, that adopts the same definition of consent as recommended for rape. The offence should apply to both genders.
Indecent touching of a child	• Indecent touching of a child under 15 years; • Compelling a child under 15 years to indecently touch him or herself, the accused or another person; • Indecent conduct in the presence of a child who is under 15 years; and • Compelling a child under 15 years to engage in indecent conduct in the presence of the accused.
	Maximum penalty for the offences = 7 years imprisonment (if the child is under 13 years), or the offender is in a position of trust, authority or dependency in relation to the child; otherwise the maximum penalty = five years imprisonment.
Sexual abuse of a child aged 15-18 years	New offence of sexual abuse of a child over 15 years but under 18 years by a person in a position of trust.

[2] The penalty for defilement should not depend on whether it is committed by a person in the "position of trust" or not. It should be the same because the impact on the victim is the same. During the NAACC review of this report, it undertook to make representation to the SILRC on this and other matters.

Issue	*Recommendation*
	authority/dependency in relation to the child. While a "person in position of trust" is defined, courts may determine whether or not a relationship falls within the defined ambit.
	Offence to cover acts of sexual intercourse and sexual touching but with different maximum penalties. For acts of sexual intercourse the maximum penalty = 7 years, and for acts of sexual touching the maximum penalty = five years.
	Persons in a position of trust, authority or dependency in relation to a child should include (but not be limited to) the following persons: • Parent, step-parent and adoptive parent; • Sister, brother or cousin; • Grandfather or grandmother; • Uncle or aunt; • Custodian, guardian or carer; • Custom doctor or healer; • Religious or community leader; • Teacher; • Counsellor; • Medical practitioner; • Employer; and • Police or correctional officer.
	Courts to determine other type(s) of relationship between the accused and the young person was one of trust, authority or dependency.
	Offence to protect children under 18 years and be constituted by the commission of at least two sexual offences (either child-specific or a general sexual offence such as rape) on separate occasions.
Persistent sexual abuse of a child	Maximum penalty = 15 years, unless one of the offences constituting the offence includes the element of sexual intercourse, then the maximum penalty = life imprisonment.
	For offences addressing CSEC (which includes child prostitution), definition of child: a person under 18 years.
	Definition of CSEC: the use of a child to provide sexual services (whether or not this includes an indecent act) for financial or other reward, favour, compensation, financial or material thing or gain.
Commercial sexual exploitation of children (CSEC)	There should be no requirement that a benefit was actually received by the child or any other person in

Issue	*Recommendation*
	exchange for sexual services. Offences: • Obtaining or using commercial sexual services from a child • Inducing, inviting, persuading, arranging or facilitating a child to engage in CSEC, or otherwise acting as an agent or "middleman" for CSEC • Trafficking of children for CSEC • Parent, guardian or carer permitting a child to be used for CSEC; and • Receiving a benefit from CSEC Maximum penalty = 10 years. • Knowingly allowing premises to be used for CSEC targeting persons who control or manage premises or who control or manage entry of people into premises. • When a person becomes aware that CSEC has or is occurring on premises under his or her control or management fails to take steps to report or address the matter. A child who is a victim of CSEC should not be liable to prosecution for CSEC offences where the child is providing the sexual service. For children who are liable to prosecution for CSEC offences, the Director of Public Prosecutions should use discretion to grant immunity to the child in the public interest to encourage children to come forward and report CSEC offences.
Child sexual exploitation material (CSEM)	CSEM material includes visual, audio and print mediums or data capable of conveying, transmitting or storing the material. Definition of "child": a person under 18 years or who appears to be under 18 years. Definition of CSEM should include: (a) Material that depicts: • The sexual parts of a child • Sexual activity with a child • A child in a sexual context or context intended to satisfy a sexual or sadistic gratification

Issue	*Recommendation*
	• A child being subjected to torture or harm • A child in a demeaning context or (b) Material intended, or apparently intended, to encourage or advocate people to engage in sexual activity with children. Material must also be indecent or offensive to a reasonable person. Offences: • Procuring, offering or using a child to make CSEM, or for a pornographic performance. Pornographic performance should be defined as a performance by a child: • Engaged in sexual activity or • In a sexual, abusive, exploitative or demeaning context, including where someone else is engaged in sexual activity in the presence of the child, that is intended for the sexual or sadistic gratification of a viewer or a person taking part in the performance • Knowingly possessing CSEM • To distribute, trade (offer, sell, exchange) advertise, import, export or disseminate CSEM and • To possess CSEM for the purpose of distribution, trade or dissemination Penalty = 10 years imprisonment.
Eliminate problems identified in relation to the current law on sexual offences	E.g. offence of defilement of a girl under the age of 15 years be replaced with a new offence of sexual intercourse with a child under the age of 15 years.
Eliminate discrimination	An offence of sexual intercourse with a person who has a significant disability to replace the existing defilement offence that applies in relation to a "female idiot or imbecile."

6. SILRC also recommends the following:

Current provision	*Recommendation*
Indecent act directed at a child	A new offence to replace the current discriminatory provision

Current provision	*Recommendation*
Expanding the definition of rape	Offence to apply to both genders
	Restrictive definition of sexual intercourse as penile penetration of the vagina should be amended

7. SILRC recommends a new offence relating to child pornography.

8. SILRC has a reference to review marriage and divorce laws. This work is yet to commence.

9. The Juvenile Offenders Act is a priority for the legislative programme of MJLA. A scoping workshop was jointly conducted by MJLA, UNICEF and SCA in 2012.

10. MCILI is also reviewing the Labour Act.

11. In 2008 UNICEF supported NACC to conduct a CP Baseline Report as the first major research on abuse and exploitation of children resulting in a review on the child protection legal framework.

12. The CFWB has been completed, providing for administrative matters relating to social welfare, including alternative care. It is before Cabinet.

13. The FPA 2014 criminalises abuse in the home.

14. In 24 September 2009, Solomon Islands signed the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and is currently taking steps to ratify both protocols.

B. Adoption, implementation and evaluation of comprehensive national strategy and corresponding plan of action for children

15. NDS 2011-2020 provides support to the vulnerable (including children).

16. The first National Children's Policy was adopted in 2010 (encompassing the five pillars: protection, development, survival, participation and planning) to:

(i) Protect and develop interests/rights of children regardless of age, gender, religion, ethnicity or cultural background

(ii) Acknowledge and promote these rights and that children grow into responsible citizens.

17. In 2007 National Youth Policy was reviewed resulting in the National Youth Policy 2010-2015 which covers youths aged from 14 to 29 years.

18. In 2010 the National Gender Equality and Women's Development Policy was adopted capturing issues relating to the girl child.

C. Implementation and coordination of the Convention — Government

19. NACC was established to oversee children's issues and comprises key representatives of relevant ministries, NGOs and donors. It meets regularly to monitor the situation of children, coordinate CRC implementation and advise the Government on children's issues. MWYCFA serves as the secretariat to NACC.

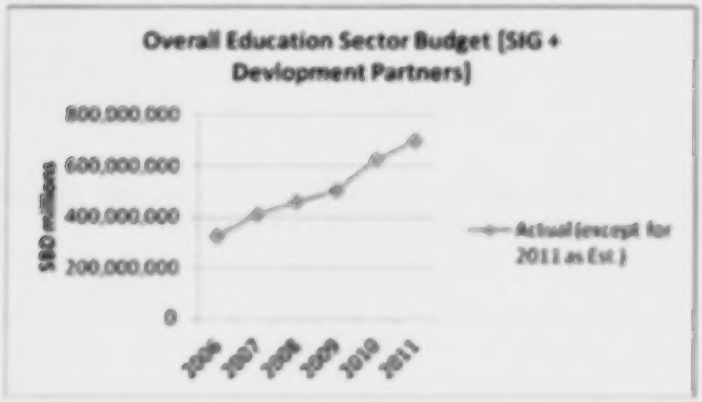
20. In 2004 CDD of MWYCFA comprised a single officer mandated with developing, monitoring and coordinating children-related programs and no operating budget. In 2009, NACC was reviewed. CDD now accommodates 7 positions with supporting units; Research, Policy, Planning and Information. MWYCFA allocates regular budget towards the functions of NACC. Out of the 7 new staff, one officer is designated for NACC coordination.

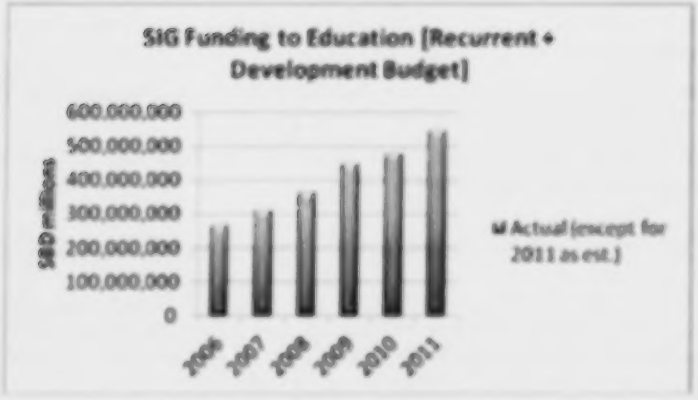
21. In 2012 NACC was reviewed and renamed National Advisory Action Committee to Children (NAACC).

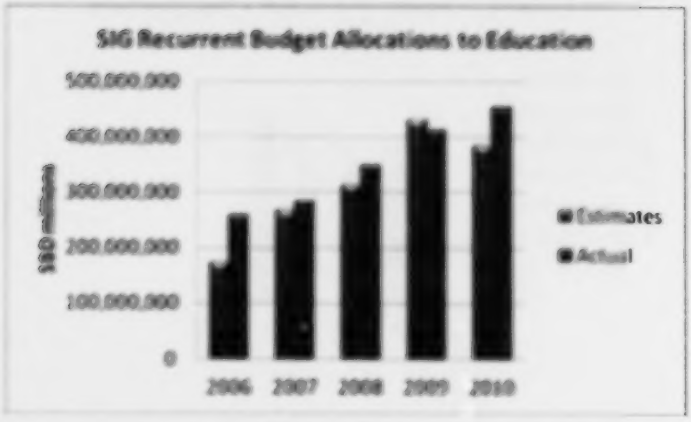
D. Identification and monitoring of budgetary resource allocation to the implementation of the Convention — monitoring as it relates to the national strategy and corresponding plan for children

22. MWYCFA has a recurrent and development budget. CDD's budget accommodates allocation for CRC implementation. The total 2004 budget for CDD was SBD$200,458. In 2011 it increased to SBD$1,377,010.

23. Education Sector budget continues to increase. Both sectors have budget support from donors. In the 2004 agreement with NZAID and EU, the Government committed to allocating at least 22% of the recurrent budget to education, and this target has since been consistently exceeded allocating closer to 30% in 2008.





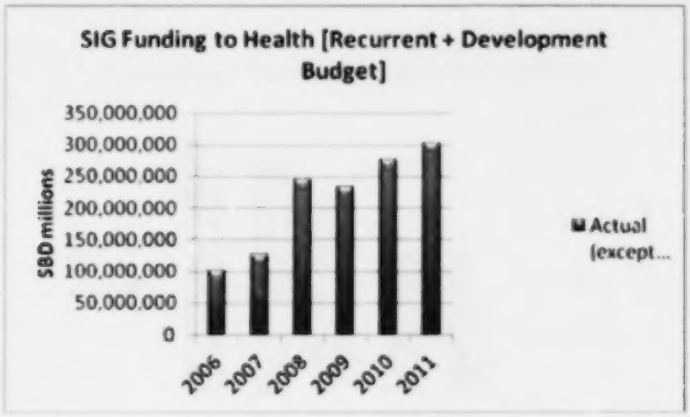


Total recurrent budget estimates for the Education Sector 2007-2009 by school category: Performance Assessment Framework 2007-2009

Indicator	*2007 budget*	*% education sector*	*2008 budget*	*% education sector*	*2009 budget*	*% education sector*
ECE	5 258 960	2.6%	1 520 374	0.4%	8 624 674	2.2%
P6	127 164 706	63.1%	124 931 135	39.4%	168 006 193	42.4%
F6	30 446 822	21.2%	46 963 706	24.0%	96 963 862	24.5%
SS	36 502 138	21.1%	13 810 012	3.8%	29 680 500	7.5%
TVET	14 897 056	6.7%	49 933 921	10.6%	7 816 090	2.0%
MCHE	670 159	1.1%	26 384 811	8.2%	35 590 200	9.0%
USP and others	783 583	1.4%	1 398 384	13.5%	49 495 349	12.5%
Total not allocated	**365 929**	**0.2%**	**291 8%**	**0.1%**	**0**	**0%**
Total/year	**216 089 449**	**100%**	**256 063 019**	**100%**	**396 176 868**	**100%**

24. In 2004 the Government, NZAID and EU formed ESRP to rebuild and reform the education sector.

25. The Health Sector implemented the HSSP in partnership with the Government and development partners to improve health service delivery and achieve MDGs for health.



26. In 2007 the Government endorsed health expenditure as a percentage of GDP was approximately 4%.

E. International aid and assistance related to the implementation of the Convention

27. International NGOs such as SCA and UNICEF are NAACC members. International donor support has been provided for CRC implementation. For example, AusAID has supported CRC implementation through SCA Child Advocacy Project ensuring monitoring and promotion of child rights. UNICEF programmes also assist CRC implementation.

28. In 2004, the Government, NZAID and EU formed ESIRP to rebuild and reform the education sector. Since then, management and delivery of education services have improved where focus is on achieving basic quality education for all.

F. National Human Rights Institution (NHRI)

29. The Ombudsman's Office (OO) is the only mechanism to protect rights and deal with complaints.[3]

30. OO has proposed amendments to the Constitution[4] and the Ombudsman (Further Provisions) Act to establish a tribunal to enforce its recommendations and to provide for mediation. In 2010, it signed a Memorandum of Understanding with the Solomon Islands Postal Corporation providing for free aerogram for letters and complaints sent to OO. OO also has a focal point for OO matters in every province and Government offices.

31. In 2012 OHCHR conducted a national scoping exercise to assess the feasibility of an NHRI.

[3] Section 96 Constitution.
[4] Specifically Chapter IX.

G. Measures taken to make the principles and provisions of the convention widely known to adults and children

32. MWYCFA conducts training and awareness on minimum standards and CRC principles. NGOs also advocate in awareness-raising.

33. The 2009 Children's Survey demonstrated that 87% of youths aged 12-17 were aware of child rights; 72% were able to explain these rights in a meaningful way. Regarding CRC awareness-raising, 454 responses were received. 53% had heard of CRC; 35% had not heard of CRC; 12% did not respond to the question.

34. In 2010, SILRC produced seven 15-minute radio programs (broadcasted nationwide) as an awareness-raising activity. Information was shared on SILRC's current projects such as reviewing sexual offences and sentencing and how CRC relates to the reviews particularly of the Penal Code.

35. In 2010 and 2011, OO conducted community outreach awareness programs in schools in provincial urban centres on a person's rights to freely access legal services.

36. In 2015, MWYCA included in its work-plan, a scoping exercise to examine the possibility of establishing a Children's Rights Commissioner.

H. Efforts undertaken or foreseen to make reports and concluding observations widely available to public, to civil society, business organizations and others as appropriate

37. The National Children's Policy incorporates the Concluding Observations of the initial report. The report and Concluding Observations were distributed to NAACC members, relevant Ministries and some key actions have taken place.

38. Challenges to the Government's dissemination efforts include resource and capacity constraints, competing priorities and the country's geographical spread. Work on establishing Provincial Advisory Committees on Children is in progress.

I. Cooperation with CSOs, including NGOs and children and youth groups, and the extent to which they are involved in the planning and monitoring of the implementation of the Convention

39. NAACC remains the central coordinating body of stakeholders in the planning of the implementation and monitoring of CRC. It ensured that development of the National Children Policy and the Plan of Action were done in consultation with NGOs, CSOs and government agencies. NAACC evaluates the impact of activities by business corporations such as logging and mining industries likely to affect children's rights.

40. Local NGOs and CSOs play a fundamental role in the delivery of social welfare services. FSC offers counselling, community education and legal services on domestic violence.

41. NGOs including youth and other vulnerable groups work in partnership with Government on community development programs.[5] In 2012 MWYCFA provided annual subvention grants (SBD$342,715) to the National Youth Congress.

[5] Family Planning Australia provides technical assistance and capacity-building to local organizations for quality clinical and educational services regarding reproductive health.

II. Definition of the child

42. The following legislation demonstrate inconsistences in the definition of a "child":

Legislation	*Definition of a child*
Constitution	Minimum voting age is 18 years so definition of a child is implied
Juvenile Offenders Act	Defines a child as a person under the age of 14 years; and persons between 14 and 18 years as "young persons"
Penal Code	In most cases of sexual offences, a child is defined as a young person under the age of 15 years
Islanders Marriage Act	No definition but minimum age for marriage is 15 years
Labour Act	No definition although there are provisions for persons under 12, 15, 16 and 18 years
Affiliation, Separation and Maintenance Act	No definition however provides for maintenance from the father for children up to the age of sixteen[6]
Adoption Act 2004	"Infant" means a person under the age of 18 years, but excludes a person who is or has been married[7]
Tobacco Control Act 2010	A person under 18 years[8]
Liquor Act	Makes it illegal to sell or supply alcohol to people under the age of 21 years[9]
Correctional Services Act	A young prisoner is defined as a prisoner under 18 years or 21 years who in the opinion of the Commandant or court may be at risk in a correctional centre
Evidence Act	Defines a child in terms of relationships but does not define a child according to age[10]
Family Protection Act 2014	A person under 18 years

43. CFWB 2016 defines a child as "a person under the age of 18 years."[11]

44. The National Children's Policy defines a child as any human being under the age of 18 years.

[6] Section 13(1), Affiliation, Separation and Maintenance Act [Cap 1].
[7] Section 2, Adoption Act 2004.
[8] Section 2, Tobacco Control Act 2010.
[9] See section 72(1), Liquor Act [Cap 144].
[10] See section 2, Evidence Act which defines a child as "includes an illegitimate child, adopted child, step child or a child living with the person as if the child were a member of the person's family;".
[11] See clause 2, Child and Family Welfare Bill 2013.

45. SILRC's current review of the Penal Code and the Criminal Procedure Code considers the definition of the "child" in relation to offences and age of criminal responsibility. MJLA is reviewing the Juvenile Offenders Act.

III. General principles

A. Non-discrimination

46. Constitution protects against discrimination on the grounds of race, place of origin, political opinions, colour, creed or sex.[12] "Age" however is not a ground for discrimination.

47. The Penal Code discriminates on the basis of sex and age. For example the offence of defilement only protects girls under 15 but does not apply to boys.

48. Under the ASM Act[13] an unmarried woman seeking an affiliation order must file a claim against the father of her child within 3 years of the child's birth. Complaints made out of time can only be made to the High Court and under special circumstances. For a married woman maintenance for a child is only available until the child turns 16 years of age. The court can only extend the time period in very limited circumstances such as for education purposes or under special circumstances.

49. SILRC's Sexual Offences Report identifies sexual offence provisions that are discriminatory and inadequate and makes recommendations for reform, including the way in which people with disabilities are referred to in the Penal Code.[14]

50. The Labour Act (which contains some discriminatory provisions) is undergoing review.

51. The National Children's Policy 2010[15] outlines as its objective the protection and development of interests and rights of Solomon Islands children regardless of age, gender, religion, ethnicity or cultural background. The strategy is to develop mechanisms to provide equal access for the nation's children, without discrimination.

52. The National Youth Policy comprises strategies including improved and equitable access to education, training and employment and health services for young women and men. Some provinces have youth policies for equal access to all services for youth of both genders.[16] These issues are also identified in the GEWD policy.[17]

53. The Government provides free health and medical services which are accessible to all citizens. Private medical services are also available in Honiara and some provincial capitals.

54. Girls generally access school at a lower rate than boys particularly at the Junior Secondary level,[18] where the gender gap increases significantly. Girls are prevented from attending secondary schools as there are usually more male dormitories than female dormitories in boarding secondary schools.

---

[12] Section 15 Constitution.

[13] Affiliation, Separation and Maintenance Act [Cap 1].

[14] It is an offence to have sexual intercourse with "any female idiot or imbecile woman or girl".

[15] Ministry of Women, Youth, Children and Family Affairs (2010), National Children's Policy with National Plan of Action.

[16] See for example Malaita, Makira and Western Province Youth Policies.

[17] This policy is part of CEDAW implementation but is simultaneously relevant for CRC. CEDAW was ratified on 6 May 2002.

[18] Forms 1 to 7.

55. In 2009 Children's Survey, 64% said that gender disparity is a "big problem". A higher proportion of females (20%) placed gender in the "big problem" category than males (15%) and 29% of females rated gender as "no problem" compared with 34% of males. More females than males answered the gender problem question of the survey.[19]

56. Basic Services are more available to girls in urban areas than in rural areas. Children with disabilities (especially those who live in rural areas) are continually discriminated against in areas such as access to education and health care services.

57. In 1994 the Government signed the UNESCAP Proclamation on the Full Participation and Equality of People with Disabilities in the Asian and Pacific Region. In 2004 MHMS developed the Solomon Islands National Policy on Disability 2005-2010 which recognised the importance of the promotion of equal participation of people with disabilities. A key action was to create more opportunities for income-generation, employment and promotion based on equal rights regardless of disability or gender. Mobility for children with a physical disability is a major problem as wheelchairs are unsuited to rough village terrain and uneven street pathways. The Education Act does not provide for pupils with disability so only few children with disabilities attend mainstream schools.

58. The National Education Action Plan (NEAP II) 2010-2012 now makes provision for inclusive education.[20]

B. Best Interest of the Child

59. Consideration is granted to the best interest of the child under the FPA 2014 and the draft Federal Constitution 2014. The CFWB includes a definition of this principle. The bill is yet to be tabled in Parliament.

60. Courts have applied this principle in divorce, separation, custody and maintenance proceedings. Under the Affiliation, Separation and Maintenance Act the courts rely on established case law to apply this principle.[21] Under the Juvenile Offenders Act, although it is preferable to have a report on the juvenile tendered to court, the court does not always have a report from an officer from SWD, particularly for matters conducted out of Honiara.

61. The Adoption Act 2004 does not use the term "best interest of the child" but refers to the welfare of the child.[22] Welfare is not defined but appears to consider matters that would usually be considered when determining the best interests of the child.

62. The Correctional Services Act 2007 refers to the best interests of the child when determining whether to accept admission of children above 6 months of age but under 2

---

[19] See L Ta'ake and M Faluaburu (2012) Children's Report (2011), Children's Report for UN CRC Report, UNICEF Pacific and Ministry of Women, Youth, Children and Family Affairs (SIG) section 3.

[20] The review of the Education Act captures access to education for children with disabilities.

[21] See for example cases: In *B v B [1981] SBHC 3; [1982] SILR 5 (8 December 1981)* where the best interest of the child was a factor in determining whether the petitioner should be granted a divorce but the term was not defined. This appears to be the first case to consider this term. In the case *In Re B [1983] SBMC2; [1983] SILR 223 (15 September 1983)* is a decision where custom is overruled in the interests of a child. Again the term is not defined. In *Choi v Choi [1993] SBHC 1; HC-CC 249 of 1990 (4 March 1993)* the decision discusses matter considered in determining who should have custody of child but does not define what is the best interest of the child. The case *Tavake v Tavake* discusses the 'welfare of the child'.

[22] See sections 9 (1) (b) and (2) of Adoption Act 2004.

years, with their lawfully detained mother.[23]

63. Family Protection Act 2014 provides that the best interest of the child must be considered when decisions are made affecting children.[24]

64. In its Penal Code and Criminal Procedure Code review, SILRC considered the principle of the best interest of the child in developing recommendations for reform of criminal laws that affect children. The review has considered the best interest of the child and the need to protect children from all forms of violence.

65. According to the 2009 Children's Survey children and youths agree increased awareness of the principle of the "best interest of the child" at community level must be done to assist parents and adult community members to understand children's rights.

66. In 2008 the first major baseline research on abuse and exploitation of children was conducted[25] by NACC with UNICEF support. The report found a majority of chiefs demonstrate some awareness of children's rights but further research needs to be dome to see whether this knowledge is used to advance children's rights.

67. RSIPF provides child abuse training to all Criminal Investigation Division police officers. These training modules incorporate the principle of the best interests of the child.

68. Under FPA 2014 a police officer or a social welfare officer can assist a child and apply for a protection order for the child.[26]

69. Some customary practices such as payment of bride price and early marriage undermine the principle of the best interest of the child. Payment of bride price may result in situations where the marriage is not in the best interest of the child.[27]

C. Right to Life, Survival and Development

70. Constitution guarantees the right to life.[28]

71. The Penal Code criminalises the killing of another person, either with or without malice. Murder carries a mandatory sentence of life imprisonment.[29] The Penal Code does not provide for capital punishment. Where a child commits murder, the sentence can be

---

[23] Section 33 (8) provides that "[N]otwithstanding this section, the Commandant may admit a child over the age of six months but under the age of two years with the mother who is lawfully detained provided that:

(a) There are special circumstances;

(b) It is in the best interests of the child; and

(c) The correctional centre can, as far as practicable, ensure that the basic needs of the child are adequately met."

[24] See for example s 12 (2) (d); s 23 (2) and s 38 (2).

[25] Austin, S., et al, (2009) Protect me with Love: A Baseline Report for creating a future free from violence, abuse and exploitation of girls and boys in the Solomon Islands, UNICEF Pacific.

[26] Section 20(1) of the Act provides that a social welfare officer or a police officer may apply for a protection order in the instance where an affected person is a 'vulnerable person'. A vulnerable person is defined under section 3 of the Act as including a child.

[27] See Solomon Islands CEDAW Combined Initial, Second and Third Periodic Report 2012, Ministry of Women, Youth, Children and Family Affairs, 2012. For specific example, paragraph 21, p 22.

[28] Section 4(1) Constitution. Currently, no offence attracts the death penalty. This provision however leaves the possibility for Parliament to enact laws which attract a death penalty.

[29] See section 200, Penal Code [CAP 26], section 232. Section 211 of the Penal Code prescribes the responsibility of providing necessaries whilst section 232 provides for the offence and the penalties for a breach.

mitigated to avoid life imprisonment.[30] A person sentenced to life imprisonment or less may also apply to be released on "license" through the Paole Board,[31] established under the Correctional Services Act 2007.[32] The Governor General can also grant a pardon or remit sentence on the advice of the prerogative committee.[33]

72. Infanticide[34] and killing of an unborn child[35] are offences under the Penal Code and carry a maximum sentence of life imprisonment. Aborton is also an offence and carries a maximum sentence of life imprisonment.[36] It is also an offence to conceal the birth of a child, whether the child has died during childbirth[37] and t is also an offence to be complicit in another person's suicide.[38]

73. The Penal Code only allows abortions where it is essential to safeguard or save the life of the mother and it has to be recommended by twoindependent medical experts.

74. The Penal Code provides for "Duties Relating to the Preservation of Life and Health". This includes the duty of parents and other persons having authority over children to provide the necessary needs, care and attention.[39]

75. MHMS prioritises funding of maternal and child health services and has established an extensive malaria prevention program and a basic sanitation and safe water supplies programme.

76. Although the law provides for a national registry on deaths there is no accurate recording of deaths of children or the causes of death of children nationwide. The National Referral Hospital and clinics in Honiara and provincial centres have some records for deaths that are recorded in these institutions. There is no evidence to suggest that there are extrajudicial killings of children.

77. Population-based data on causes of death is not available. MHMS' Health Information System has child mortality data for public hospitals but this data is incomplete.[40] The World Health Statistics 2011 used multi-cause proportionate mortality models to estimate single case of deaths in neonates aged 0-27 days and children aged 1-59 months. Leading direct causes of early childhood death are neonatal conditions followed by pneumonia, other (including other infections), malaria and non-communicable diseases (which includes some deaths due to prematurity), birth asphyxia, other prenatal causes and diarrhoeal diseases. Leading causes of neonate deaths are preterm birth, asphyxia and severe infection.[41]

78. The 2008 National ECE Policy Statement recognises the importance of the following:

---

[30] See Kelly v Regina [2006] SBCA 17; CA-CRAC 019 of 2006 (25 October 2006).

[31] There is no specific provision regarding parole for juveniles — see Correctional Services Act 2007.

[32] See Correctional Services Act (2007) section 73.

[33] See Correctional Services Act (2007).

[34] See Penal Code, section 206.

[35] See Penal Code section 221. In this section, the offence is called "child destruction." See also sections 157, 158 and 159 which deal with the procurement, committal of abortion and the supply of equipment to procure abortion respectively.

[36] See Penal Code section 220.

[37] See Penal Code section 219.

[38] See Penal Code section 211.

[39] See Penal Code section 232.

[40] See SIG, National Health Strategic Plan: The Ministry of Health and Medical Services, Solomon Islands Government 2011-2015; March 2011, p 9.

[41] Ibid.

(a) good quality ECCE;[42]

(b) development of a national curriculum in the ECE sector;

(c) officially registered ECE centres;

(d) well-trained and paid ECE teachers.

79. The 2011 Children's Report suggests that youths value their life and are positive and constructive about their future.[43] Its recommendations are incorporated in MWYCFA's work program. Some recommendations have been actioned by the Immigration Act 2012 and the Tobacco Act 2010 and Tobacco Regulations 2013.

D. Respect for views of the child

80. The Constitution guarantees the freedom of conscience [44] and freedom of expression.[45]

81. Section 9 of the Adoption Act 2004 obligates the High Court to consider the wishes of the child having regard to his/her age and understanding when making an adoption order.[46]

82. Under the Affiliation, Separation and Maintenance Act[47] the courts discretionally give consideration to the wishes of the child. Judicial officers have often taken the views of the child into consideration when dealing with affiliation, separation and maintenance matters involving their parents.

83. The Evidence Act 2009 provides that a child can give either sworn or unsworn evidence and that the court need not exercise caution before accepting the evidence of a child.[48]

84. Section 34 (2) of the FPA 2014 makes provision for an adult person to be present with the child during court proceedings.

85. The CFWB provides for courts to consider the child's views when determining orders affecting children.

86. The 2009 Children's Survey reported youths aged 12 to 17 years to have a high degree of awareness that children have rights; with 87% being aware that there were child rights and 72% being able to explain child rights in a meaningful way.

87. In 2009 Parliament and MWYCFA co-hosted the first National Youth Parliament with 50 students[49] as parliamentarians representing youths of their constituency. The program included a three-day workshop and a meeting at the National Parliament House.

88. The CYiCL project provided "diversion" programs which encourage children to choose alternative paths to that which brought them into conflict with the law. As part of

---

[42] SIG, Ministry of Education and Human Resources Development, National Early Childhood Education Policy Statement, 2008.

[43] See L Ta'ake and M Faluaburu (2012) Children's Report (2011), Children's Report for UN CRC Report, UNICEF Pacific and Ministry of Women, Youth, Children and Family Affairs (SIG) section 3.

[44] Section 11.

[45] Section 12.

[46] See Adoption Act 2004, section 9 (2).

[47] Affiliation, Separation and Maintenance Act.

[48] See Evidence Act 2009, section s 19 (a).

[49] Mostly under 18 years.

the program, the child's desires and views are obtained in customizing the programs. School children are encouraged to debate in public forums on topical issues affecting children. During Law Week, an initiative of MJLA, moot courts and debate competitions were conducted for school children on current legal issues.

89. In 2009-2010, SCA, NAACC and the Solomon Star Newspaper conducted public opinion polls for children on various issues and published the information in the newspaper.

90. MEHRD coordinates annual speech contests and debates. SPC's Youth at Work programme hosts a monthly youth market where schools and CSOs host speech contests and children speak on a wide range of topics including domestic violence.

IV. Civil rights and freedoms

A. Birth registration, name and nationality

91. Section 23 of the Constitution does not allow dual nationality.[50]

92. Section 17 of the Adoption Act 2004 provides that if a child who was not born in Solomon Islands is adopted by parents — one of whom is a Solomon Islands citizen — the adopted child then is a Solomon Islands citizen from the date of the adoption order.[51]

93. The Births and Deaths (Registration) Act obligates every person to register every birth and death as soon as is reasonably practicable after the birth and death, and failure by responsible persons to report births is an offence under the Act.[52] Birth registration is free.

94. MHA is reviewing the Births and Deaths (Registration) Act to strengthen reporting mechanisms.

95. The Constitution does not classify citizens into different ethnic groups, but all as Solomon islanders.

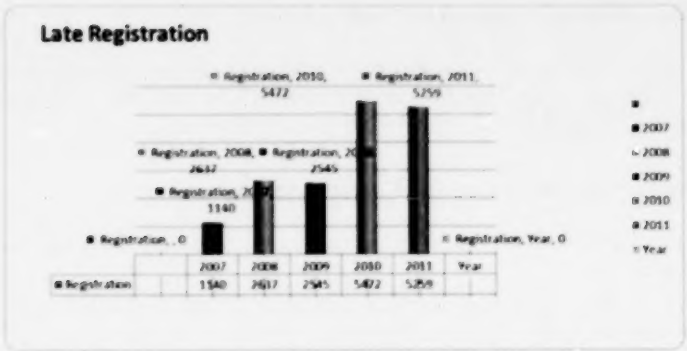
96. NACC prioritises birth registration in both the National Children's Policy and Plan of Action (2007-2012) and the NACC Draft Review.

97. With UNICEF assistance, the Civil Registry Office is working to strengthen the birth registration system. MHMS has revised birth notification procedures. MHA processes late registration.

[50] Constitution of Solomon Islands, s 23. The 2014 draft Federal Constitution of Solomon Islands provides for dual nationality with certain exceptions.

[51] Adoption Act 2004 s 17.

[52] See s 9 of the Births and Deaths (Registration) Act [Cap 168] for births and s 10 of the same Act for deaths.



98. Some significant improvements in the Civil Registry Office are:

- Workshops conducted for nurses on the importance and value of birth registration and the responsibility to report births under the Births and Deaths (Registration) Act
- Development of education and communication materials for the pilot program and awareness materials for the community
- Birth registration has increased from 0% to 40%

B. Preservation of identity

99. The Constitution states that the people shall cherish and promote the different cultural traditions[53] and that all people shall respect and enhance human dignity.[54] It also provides for the protection of cultural identity of all disadvantaged groups by allowing for the enactment of laws or the promotion of programme to address such disadvantages.

100. The Constitution recognises customary law as part of the legal system. Where it is inconsistent with the Constitution, it is, to the extent of the inconsistency, void.

C. Freedom of expression and the right to seek, receive and impart information

101. The Constitution provides protection of freedom of expression and the population is free to make opinions on any matter that concerns their wellbeing and livelihood.[55]

102. Since 2002, International Children's Day has been celebrated with activities including International Children's Day programmes, awareness-raising, speech competitions, children's forum,[56] art competitions, drama, and cultural activities.

103. SCA and UNICEF assist in sponsoring and coordinating these events where children are encouraged to express themselves in avenues provided.

[53] Fourth pledge of the Preamble.
[54] Third pledge of the Preamble.
[55] Section 12.
[56] Children identify their own issues and discuss these at children's forums. For example domestic violence.

D. Freedom of thought, conscience and religion

104. The Constitution provides protection of freedom of religion and conscience for all citizens including children[57] and freedom of expression.[58] No child can be excluded from enrolling at a school because of political opinion or religious belief.

E. Freedom of Association and of Peaceful Assembly

105. The Constitution provides protection of freedom of assembly and association[59] and freedom of movement.[60]

106. The National Youth Congress[61] was established in 1980, reviewed in 2012 and is currently being revitalised.

107. Various activities[62] are co-ordinated by the Government, NGOs, FBOs and CSOs.

108. Participation in sports activities organised by FBOs, schools, and communities has increased with media agencies like the Solomon Star newspaper actively reporting on such events.

109. CDO of MWYCFA encourages engaging existing governance structures like working arrangements between the provincial advisory committee on children and the provincial youth councils and ward committees.

F. Protection of privacy and protection of the image

110. The Constitution protects the privacy of home and other property[63] and the law.[64]

G. Access to appropriate information

111. While the Cinematograph Act provides for a Board of Censors, there is no overarching legislation to regulate all forms of media to protect child audiences from exposure to harmful information and images.

112. There is some protection of children from exposure to inappropriate and damaging media but the roles and powers of censorship bodies mandated with censorship roles are ineffective.

113. Adequate access to school textbooks remains an issue. Not all school libraries are resourced appropriately. Most reading materials are in English which may be the second or third language for most children.

---

[57] Section 11
[58] Section 12
[59] Section 13
[60] Section 14
[61] A country-wide network where every provincial youth council is a member.
[62] Activities also include marches by faith-based organized children's groups.
[63] Section 9
[64] Section 10

Numbers of Libraries and Percentage of Schools with Libraries — Performance Assessment Frameworks 2006-2010

School Type[65]	2006 No of schools	2006 No of libraries	2006 % schools with	2007 No of schools	2007 No of libraries	2007 % schools with	2008 No of schools	2008 No of libraries	2008 % schools with
Primary	531	326	61%	524	370	71%	526	382	73%
CHS	143	83	58%	153	78	51%	164	89	54%
PSS	16	12	75%	16	13	81%	16	13	81%
NSS	9	7	78%	9	7	78%	9	8	89%

School Type	2009 No of schools	2009 No of librar s	2009 % schools with	2010 No of schools	2010 No of libraries	2010 % schools with
Primary	524	402	77%	525	354	67%
CHS	173	100	58%	176	99	56%
PSS	16	13	81%	16	13	81%
NSS	10	9	90%	10	8	80%

Number of schools with access to computers by province and year 2007-2010: Performance Assessment Framework 2008-2010

School Type	2008 No of schools	2008 No of PC's	2008 Ratio	2009 No of schools	2009 No of PC's	2009 Ratio	2010 No of schools	2010 No of PC's	2010 Ratio
ECE	554	08	21	559	12	0	522	48	0.1
Primary	526	52	0.1	524	11	0	525	88	0.2
CHS	164	95	0.6	173	204	1.2	525	88	0.2
PSS	16	23	1.4	16	27	1.7	16	86	5.4
NSS	9	57	6.3	10	23	2.3	10	130	13.0

114. Children serving detention access television but hardly access reading materials. They are only allowed to visit the library once per week with the library located in the adult prison which raises child protection issues. SCA has an arrangement with SINU regarding education for juveniles.

V. Violence against children

A. Abuse and neglect

115. The Penal Code has provisions for cases of abuse and neglect and creates positive responsibilities on parents and caregivers. It also creates offences such as failing to provide the necessaries of life for children under 15 years old.[66]

[65] Primary = Primary school; CHS = Community High School; PSS = Provincial Secondary School; NSS = National Secondary School.

[66] See Penal Code [CAP 26], section 211 and section 232.

116. Under the FPA 2014, where a health care worker is notified by a child patient that he or she is a victim of domestic violence, the health care provider must give a report to SWD.[67]

117. Addressing the Committee's recommendation to undertake studies on abuse and neglect, in 2006 the Child Sexual Abuse and Commercial Exploitation of Children in the Pacific: A Regional Report by UNICEF, UNESCAP and ECPAT was published. NACC and UNICEF conducted the CP Baseline Report.

118. In 2008, CCC commenced passing child protection notifications to SWD via the referral network known as "SAFENET". SAFENET provides a link between FSC, CCC, SWD, the Public Solicitors Office and RSIPF. A Memorandum of Understanding was signed between these organisations. SAFENET meets on a quarterly basis to share information and develop more efficient referral systems for victims of abuse. CCC, FSC and a number of churches provide counselling for victims of abuse. Staffs of these CSOs have limited training.

119. A joint study, SIFHSS, by the Government and its partners conducted from 2008 to 2009 demonstrated the extent of abuse on young girls.[68]

120. In 2010, SWD strengthened the Community Welfare Volunteers Pilot Scheme which appoints people from various communities in 2 provinces to receive basic training on how communities can help provide a protective environment for children. Volunteers were trained to communicate children's abuse and neglect issues to provincial headquarters and referral to SWD.

121. The CFWB contains some requirements regarding mandatory reporting in certain circumstances.

B. Measures to prohibit and eliminate all forms of harmful traditional practices, including but not limited to female genital mutilation and early and forced marriages

122. The Penal Code generally protects against physical and sexual abuse. The Islanders Marriage Act provides that the minimum age for marriage is 15 but this must be with consent.

123. There is no anecdotal evidence that female genital mutilation is practiced. However, facial scarring, piercing, tattooing, male circumcision and other "coming-of-age" ceremonies are practised. These are mostly conducted when the child is quite young and is not able to voice his or her consent.

124. Bride price payment is still culturally practised, where girls are sometimes married at a very young age to an older husband. Recent studies identified potential child protection issues in this traditional practice.

C. Right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, including corporal punishment

125. The Constitution protects the right to personal liberty[69] and the right to protection from slavery and forced labour.[70] Section 7 provides protection from inhuman treatment. Corporal punishment is not allowed in schools.[71]

[67] See section 46(e), Family Protection Act 2014.

[68] SIG, SPC, UNFPA, AusAID, UNICEF, (2009) Family Health and Safety Study.

126. The Penal Code contains an offence of cruelty to children[91] but it does not affect the rights of any parent, teacher or other person having the control of the child to administer reasonable punishment to the child.[92]

127. FPA 2014 and CEWB 2016 make some progress toward protecting children against forms of punishment which are cruel, degrading and inhuman.

128. Corporal punishment is prohibited in schools by government teaching service handbook but there is anecdotal evidence that it still occurs.

129. The CP Baseline Report found that corporal punishment, verbal abuse and humiliation in schools is common,[93] stressing the need for teachers to learn and practice of non-violent forms of discipline. Suspension and expulsion are also quite widely used as a form of punishment. Although suspended students may return to school, it is apparent that few choose to do so. Also, student absenteeism occurred due to fear of punishments and teachers. Children are punished not only for breaking school rules, but for not knowing correct answers. Children are reportedly being hit on the hand and buttocks; having ears twisted and having objects thrown at them. Other punishments cited include: weeding; carrying stones, wood or gravel; cleaning toilets etc.

130. The "Barriers to education" study revealed concerns regarding punishment and degrading treatment.[94]

131. The 2009 Children's Survey demonstrated the existence of corporal punishment in schools as a factor affecting the retention of children in education.

132. There is anecdotal evidence that police officers have treated juvenile offenders in violation of their human rights during arrests. The Penal Code, Juvenile Offenders Act or the Police Act do not provide guidelines regarding the treatment of juvenile offenders prior to and during arrests.

133. SILRC's review of the Penal Code encompasses a review of corporal punishment provisions.

D. Measures to promote physical and psychological recovery and social reintegration of child victims

134. The FPA 2014 caters for protection orders involving a child.[95]

135. SAFENET provides a temporary safe place for child victims.

136. There are no formal counselling, rehabilitation and reintegration procedures in place for child victims of crimes or child witnesses involved in court proceedings. Resource constraints affecting WRD's ability to provide formal counselling and support,

[91] Section 5.

[92] Section 6.

[93] A legal precedent was set in R v. Rose [1968] SILR, (Crim) 369 where the High Court held that corporal punishment itself was not unlawful but means by which it was administered could render it unlawful.

[94] Section 233.

[95] Section 233 (4).

[96] Sanga, S., et al. (2009) Protect me with Love: A Baseline Report for creating a future free from violence, abuse and exploitation of girls and boys in the Solomon Islands. UNICEF Pacific.

[97] UNICEF and Ministry of Education and Human Resources Development. (2009) Barriers to Education Study.

[98] The Act provides that a social welfare officer or a police officer can apply for a protection order on behalf of a child.

rehabilitation and re-integration procedures for child victims. However, the Government is working towards ensuring that SWD is provided with much needed support.

137. Recent calls have been made to include a member of the judiciary and a correctional services representative to SAFENET.

VI. Family environment and alternative care

A. Family environment and parental guidance in manner consistent with evolving capacities of child

138. The Penal Code provides an offence of failing to provide the necessities and child cruelty. It also creates positive responsibilities on parents and caregivers and creates offences such as failing to provide the necessaries of life for children under the age of 15 years.[77]

139. SWD recognises the importance of strengthening families to provide an appropriate family environment for children and parental guidance. In 2007, after the earthquake and tsunami in Western Province, SWD initiated a Community Welfare Volunteers programme to strengthen protective environments for children in affected areas.

B. Parental responsibilities

140. The Penal Code recognises the responsibilities of a person charged with the care of a child. It provides a duty of caring for a child so that if any adverse consequence to the child's health or life eventuates as a result of omission to perform that duty, cause may be attributed to that person.[78] Section 204 provides the same accountability for care to anyone considered to be the "head of the family" when a child is under 15 years old, whether or not the child is helpless.

141. In 2009, SWD and various stakeholders conducted community awareness and parenting skills trainings in Honiara for youths of marriageable age.

142. There are some formal childcare services although families generally rely on the assistance of extended family. SWD offers basic support services that do not reach all provinces due to limited resources.

143. The CFWB contains provisions on parental responsibilities.

C. Separation from parents

144. Legislation and policy dealing with separation of children from their parents under various circumstances and alternative care available are extremely limited. The adoption legislation only addresses formal adoptions which excludes adoptions under *kastom*.

145. The CLAPP report included a situational analysis of Solomon Islands. It found that the primary reasons for children living away from their parents were education, family problems, work reasons, divorce or separation of their parents, economic problems and children's own quest to explore other places beyond their own homes. It highlighted issues such as CSEC, customary adoption, bride price and street children.

[77] See Penal Code [CAP 26], section 211 and section 232.

[78] Section 203.

146. The 2009 Children's Survey demonstrated that whilst children and youths recognised the value in being raised by their biological parents, in some circumstances this may be unsuitable. Abuse by parents was identified as a typical reason for separation from parents. Parents in rural areas send their children away to attend school also cause separation. Bride price payment also results in children being separated from their parents in marriage breakdowns. The patriarchal family assumes "ownership" of the children by virtue of the bride price. However, there are instances when this claim benefits the children, allowing them to access natural resources on their father's side.

147. There is a high rate of customary adoption through extended family. Adopted children often have lesser status than other children and are at risk of being neglected or exploited resulting in reduced access to education and other services.

D. Family reunification

148. There is little information available on family reunification. FBOs conduct some work in relation to family reunification. SAFENET counselling options includes mediation between family members.

E. Recovery of maintenance for the child

149. The Affiliation, Separation and Maintenance Act provides for the recovery of maintenance but have restrictive time limitations. Maintenance is only recoverable until a child turns 16 years old. SILRC has a mandate to review the Act and it is anticipated that work will soon commence.

150. The FPA 2014 gives courts the power to grant temporary maintenance and temporary custody orders.

F. Children deprived of a family environment

151. There are no laws establishing orphanages or foster homes. Placement within the extended family is common. FBOs and CSOs provide some emergency shelters and safe houses.

152. The Penal Code allows a court to make orders about the custody of girls under the age of 18 years. This only applies when dealing with criminal charges.[79] When the court finds that a parent or guardian was knowingly involved in or encouraged the offence against the girl, it can appoint another person to be her guardian.

G. Periodic review of placement

153. The CFWB provides for formal alternative care arrangements for children or periodic review of placements.

[79] Such as rape, abduction of a girl with intent to have sexual intercourse, indecent assault, defilement of girls under the age of 15 years, procuring girls for unlawful sexual intercourse, procuring defilement by threats or fraud, permitting defilement at premises, detention in a brothel and disposing of/obtaining minors for prostitution or unlawful sexual intercourse.

H. Adoption laws and framework

154. The Adoption Act 2004 regulates formal adoptions. It requires the Registrar-General to maintain an Adopted Children register to register and record every adoption order. It also provides for the care and custody of infants awaiting adoption. The High Court hears applications for an adoption order and has the power to order a representative to act as the guardian of the infant with the duty of safeguarding the interests of the infant.

155. The Act restricts the removal of infants for adoption outside Solomon Islands. Penalties include fines and imprisonment.

156. An Adoption (Amendment) Bill aims to strengthen the relevant provisions regarding adoption of children by parents of different nationalities.

157. The majority of adoptions occur informally and usually between family members.[80] *Kastom* provides that the extended family is responsible for the care and raising of children. Therefore, in circumstances where a child is in need of alternative care, or a woman has been unable to conceive, customary adoptions occur amongst the family.[81]

I. Illicit transfer and non-return

158. The Penal Code provides protections for children against illicit transfer and non-return. It contains offences of kidnapping, abduction, concealing abducted persons and child stealing.[82]

159. The Immigration Act 2012 creates and penalties regarding trafficking in children[83] and also implicitly recognises children as persons under 18 years old.[84]

160. Anecdotal evidence suggest that these issues primarily occur in customary adoptions.

J. Measures to ensure the protection of children with incarcerated parents and children living in prison with their mothers

161. The Correctional Services Act 2007 provides that a child under the age of six months may be admitted with the mother who is lawfully detained.[85] The Commandant may admit a child over the age of six months but under the age of two years with the mother who is lawfully detained provided that:

(i) there are special circumstances;

(ii) it is in the best interests of the child; and

---

[80] The proposed amendment to the Adoption Act 2004 addresses the issue of adoption by foreigners, child trafficking and smuggling.

[81] UNICEF CLAPP Report.

[82] Part XXVI "Offences Against Liberty".

[83] See Immigration Act 2012, section 77 which provides that "A person who engages in people trafficking, by any means, when the trafficked person is aged under 18 commits an offence and is liable on conviction to a fine not exceeding 90,000 penalty units or to imprisonment for a term not exceeding 10 years or, or both."

[84] See Immigration Act 2012, section 2 under the definition of "eligible dependent" and "family". The Act also provides that a 'character concern' issue arises where a person has been convicted of an offence of people trafficking or child sex.

[85] Section 33 (7).

(iii) the correctional centre can, as far as practicable, ensure that the basic needs of the child are adequately met.[86]

162. The Act allows incarcerated parents to visit their children. The correctional services family fellowship under SICA/SIFGA organizes family Christmas parties each year for children and their incarcerated parents in the correctional facility.

163. Children have lived in prison with their incarcerated mother. The CSSI Act implicitly provides that Commandant may admit for children over the age of six months. It outlines what matters should be considered. The express age of "six months" is influenced by the National Breastfeeding Policy established by MHMS advocating for exclusive breastfeeding for the first six months of age.

164. Women in custody are kept in a separate area of the Rove Correctional Centre. This area is separate from the juvenile facility. CSSI is currently reviewing the Policy for the Management of Mothers and Children.

VII. Disability, basic health and welfare

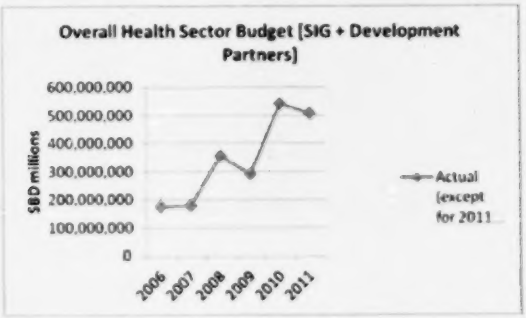
A. Survival and development

165. The Health Services Act regulates health and medical services, and to some extent the Tobacco Control Act 2010.The Constitution protects the right to life.

166. The Government provides free medical services to Solomon Islanders which are accessible at the National Referral Hospital and 9 provincial hospitals and 3 faith-based hospitals.

167. Since 2005 the MHMS budget has increased in real terms per capita at an average annual rate of over 16%.The actual spending from 2006 to 2009 increased also in real terms per capita by 19% per year. Both as a percentage of GDP and the percentage of the Government total revenues (4-5% for the former and 9-16% for the latter). The per capita expenditure has also risen significantly since 2005 when it was SBD$299/capita and increased to SBD$533 budgeted in 2010.

168. Donor assistance has significantly boosted the health budget. The total budget for MHMS in 2008 was SBD$313.8 million; representing an increase of 115% in the overall budget from 2007 which was SBD$146.9 million. The increase was attributed to funds HSSP coming into the budget. Budget for 2009 totals SBD$285.4 million which represents an overall increase from 2008 of approximately 8%.



[86] Section 33 (8).

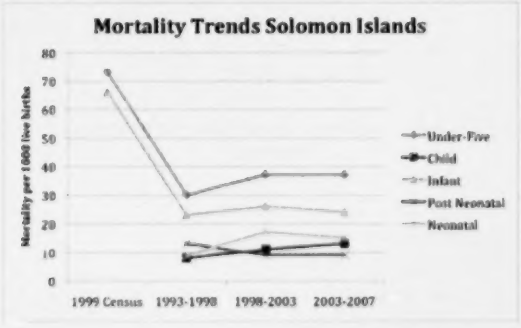
169. Policies and strategies that relate directly to child survival that have been implemented by MHMS are:

- National Children's Policy Framework and Plan of Action for Children, 2010
- Regional Child Survival Strategy National Health Strategic Plan 2011-2015, Ministry of Health & Medical Services
- National Mother and Child Health Plan 2006-2010
- National Reproductive Health Policy and Strategy Solomon Islands (2011-2013)
- Safe Motherhood Protocol[87]
- Solomon Islands Expanded Programme of Immunization National Policy (2008)
- Comprehensive Multi Year Plan 2011-2015 for EPI
- National Food Security, Food Safety and Nutrition Policy 2010-2015
- Solomon Islands Rural Safe Water and Sanitation policy

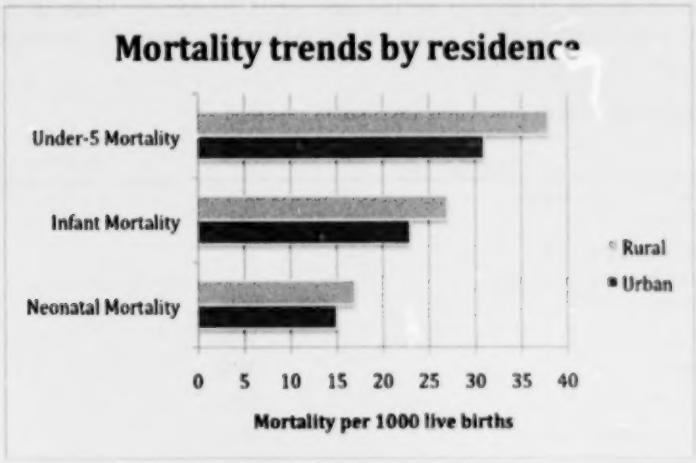
170. Malaria is one of the leading causes of mortality in children and infants and in 2007 clinical malaria and fever were responsible for 28% of acute care attendances. The 2007 SIDHS showed a static situation for neonatal, infant, childhood and under-five mortality in the latest period before the survey. However, this was a substantial improvement compared with the infant mortality rate of 66 deaths per 1000 live births recorded in 1999. Often child death is associated and compounded by respiratory diseases and diarrhoea (prevalent skin diseases and vaccine-preventable diseases which tend to appear very regularly in early stages of life. The survey used a national representative sample of over 4,000 households. The level of under 5 mortality deaths was 37 deaths per 1000. In the past decade deaths among children under five have significantly reduced.

Infant mortality rate (per 1,000 live births)

2005	*2006*	*2007*	*2010*
	55 (UNICEF figure)		
37	24 (SIDHS figure)	24	36



[87] Review in process. Currently Safe Motherhood forms part of the Integrated Reproductive Health Guideline. Obstetric Protocol is implemented in the National Referral Hospital (NRH) in Honiara and piloted in a number of provinces.



171. The Maternal Mortality Rate (MMR) has improved. In 2004, WHO provided a maternal mortality ratio of approximate 220 per 100,000 live births. The MMR in 2010 was estimated to be 143 per 100,000 live births. A contributing factor to this improvement is that 85% of deliveries are attended by skilled health personnel. The major causes of maternal mortality include post-partum haemorrhage, puerperal sepsis, eclampsia, prolonged labour, malaria and other infections.

Maternal mortality ratio (per 100,000 live births)

2004	*2006*	*2007*	*2009*
184/220	223	103	146

172. Child death is often associated and compounded by respiratory diseases and diarrhoea which are often fatal, skin diseases are prevalent and vaccine-preventable diseases which tend to appear very regularly in early stages of life.

173. The number of children in low and middle income brackets receiving measles immunisation has also been increasing. The SIDHS showed a high improvement of vaccination coverage by 12 months of age over the past five years. Among 4 - 5 year old children 56.7% had complete vaccination, compared to 1-2 year old children.

174. The National Breastfeeding Policy was reviewed to adopt the global public health recommendation of exclusively breastfeeding up to six months of age and breastfeeding recommendations for HIV positive mothers. The 2007 SIDHS demonstrated that 92.6% of children born in the 5 years prior to survey were breastfed at some point. The median duration of exclusive breastfeeding is 4.2 months. 73.7% of children were exclusively breastfed for the first 6 months of life. Also, exclusive breastfeeding for the first 6 months is at 57%. 68% of young children are still being breastfeed at 18-23 months. The survey indicated that iron deficiency anaemia is at 48% for children aged 6 months-5 years and 44% among women.

175. The Vitamin A protocol was reviewed together with the deworming protocol. The Vitamin A and Deworming Protocol was developed and emphasised the routine supplementation of Vitamin A and Albendazole. In 2008 MHMS endorsed the National Nutrition and Healthy Lifestyle Plan 2007-2017.The National Nutrition Program receives donor support from UNICEF and WHO.

176. Immunization coverage in the provinces varied considerably linked to different factors, such as geographical access to health services, transport, communication, accessibility of other specific basic services to that area.

Data from 2009 to 2010 concerning vaccination coverage

Antigen	*2009 % of coverage*	*2010 % of coverage*
Hepatitis B Birth dose (within 24 hours of birth)	54%	62%
Hepatitis B Birth dose (total, including those given before and after 24 hours of birth)	Not available	89%
Pentavalent 1	86%	85%
Pentavalent 3	76%	79%
Oral Polio Vaccine 3	78%	79%
Measles Conjugated Vaccine 1	61%	68%
Tetanus Toxoid 2+	No data	65%

Proportion of one year olds immunized against measles

	2004%	*2006%*	*2007%*	*2010%*
Measles	72%	87% (SIDHS)	79% (SIDHS)	90.4%

177. The 2007 SIDHS found that 81.3% of children were weighed and of these children 4% reported to be very small and 10% smaller than average. On average, children under 5 were shorter compared with children of the same age in the international reference population. Overall 32.8% of children under 5 were identified as having low height for age with 8.5% as being severely stunted. The prevalence of wasting is low with less than 2% severely wasted. They were slightly underweight in relation to WHO growth reference.

B. Health and health services, in particular primary health care

178. The Constitution protects the right to life. The Health Services Act regulates health and medical services. The Tobacco Control Act 2010 prohibits smoking in or near school areas and hospitals, indirectly protecting the health of children.

179. The Government provides free health and medical services. There is also the private health sector with access to a general medical practitioner for a fee.

180. Primary health care is delivered by a network of clinics of four types; nurse aid posts, rural health centres, area health centres urban clinics and outpatients clinics based at provincial and the national referral hospitals. These are the main providers of healthcare nationally, apart from private medical practitioners based largely in Honiara. These clinics provide outpatient services, safe motherhood care, child health services, outreach satellite clinics, health welfare and inpatient services.

Proportion of births attended by skilled health personnel (%)

2000	*2004*	*2006*	*2007*	*2010*
85%	87%	84%	86%	95%/85%

181. The 2007 SIDHS demonstrated that 95% of women received antenatal care from a skilled provider. 64.6% of women made 4 or more visits but 18.1% did not make the recommended number of visits. Median gestational age at which women make their first visit is 5.6 mths when the opportunity may have passed to diagnose problems early, provide treatment or prevent further complications.

182. 85% of births took place at health facilities and 14% took place at home. Proportion of births taking place in a health facility is higher in urban areas (94%) than in rural areas (83%). 86% of births were attended by a skilled provider — 95% in urban areas and 84% in rural areas.

183. Providers of antenatal care include nurses/midwives (72%), nurse-aides (21%), doctors (24%), no-one (2.8%) community health worker and traditional birth assistance (0.4%) and other and missing (1.6%).

184. Among women who gave birth in the 5 years preceding the survey, only one quarter did not receive any postpartum care, 57% were seen for their first postpartum check-up by a doctor, nurse or midwife, 14% were seen by an auxiliary nurse or midwife and less than 2% were seen by other health providers including Traditional Birth Assistants.

185. The Government has benefited from specialised medical visits from key development partners. In 2005 the Government signed a Memorandum of Understanding with Cuba under which there are approximately 50 Solomon Island students studying medicine in Cuba[88] and seven Cuban doctors serving in-country.

186. There is an epidemidolocal terrorism of infectious diseases and an increasing burden of non-communicable diseases.

187. National policies for women, youth and children all contribute to child health and healthcare services including strategies that 'develop and strengthen mechanisms that help children survival, development, safety, protection and equal access to healthcare'.[89]

188. There has been some progress with children living with disabilities. In 2004 MHMS developed the Solomon Islands National Policy on Disability 2005-2010.

189. In 2005, the Government and the European Commission conducted a pilot nationwide Disability Survey. The survey found that there were few outreach rehabilitation services available to people with disabilities in the provinces. This has improved with CBR workers operating in seven provinces. However, there is only one provincial physiotherapy outpost. The survey revealed about 14,403 people were living with disabilities and approximately 80% of them live in rural areas. The survey established that many communities had negative attitudes and a lack of awareness towards disability and the needs of people with disabilities and found that children and youth (aged between 0-20 years) comprise 26% of the people with disabilities based on the 1999 census total population figure of 420,000. The most common disabilities within this age group were hearing impairment (18.7%), physical impairment (15.25%), speech difficulties (13.5%), vision impairment (12.86%) and general intellectual disability (12.39%).

190. A 2010 UNICEF Pacific report titled "Pacific Children with Disabilities" examined the situational analysis of Solomon Islands concerning the National Disability Survey indicating constraints in dealing with disability. Access to treatment options was very limited, particularly in the provinces and a child's treatment was highly dependent on their individual circumstances. The report acknowledges greater awareness and acceptance of disability, due largely to advocacy by People with Disabilities Solomon Islands and Red

[88] Twenty two (22) of these students graduated in July 2014.

[89] National Children's Policy 2010-2015, National Youth Policy 2010-2015, Gender Equality and Women's Development Policy 2010-2012.

Cross Special Development Centre for children with disabilities and some individual champions.

191. The report found that there is a well-established system of CBR under the Rehabilitation Section of MHMS. There are CBR workers in seven of the nine provinces providing continuity of home-based therapy and awareness-raising on disability issues. Prior to the ethnic tensions and in 2003, there were 32 CBR workers but there are now 18.CBR has had budget cuts for the past two years due to the global economic crisis and there has been a recruitment freeze since 2008. These factors have resulted in a reduction of activities.

192. In 2008, eye-screening was completed at five schools by the CBR Department of MHMS when 1043 children were assessed and 9 children were identified as having Low Vision. Eye care services have significantly improved since the opening of the regional Eye Centre in 2015.

193. A Standard Treatment Guidelines for Child Health pocket book is used as the everyday reference at all levels. These guidelines were updated in 2009 and contain MHMS recommended treatment guidelines aligned with the WHO Pocketbook, Integrated Management of Childhood Illness and other protocols such as for malaria treatment.

C. Health care challenges in the promotion of the physical and mental health and well-being of children, and communicable and non-communicable diseases

194. The Mental Treatment Act regulates the mental health system but does not specifically provide for treatment of children with a mental illness.

195. The Tobacco Control Act 2010 creates an offence for smoking in public places, especially schools and hospitals.

196. The Health Services Act sets out the Government's obligation to provide health services and rules governing the provision of those services which include physical and mental health and well-being of children.

197. The FPA 2014 provides for the protection of children from violence which includes physical and psychological abuse.

198. Malaria represents a major public health concern, especially among those who are particularly vulnerable such as pregnant women and children under five years of age. The NDS 2011-2020 "[e]nsure all Solomon Islanders have access to quality health care and combat malaria, HIV, non-communicable and other diseases".

Malaria death associated with per 100,000 population ages 0-4

Under 5 mortality due to Malaria	*2000*	*2003*	*2008*	*2009*	*2010*
0-4 years	8	15.5	6.6	0	0

199. The Government and development partners have developed a six year (2008-2014) MAP[90] to scale up the response to malaria with a goal to have effective intensified nationwide control of malaria and elimination of malaria in two provinces.

[90] Malaria Action Plan.

200. Use of ITNs[91] is a key part of the Government primary health intervention aimed at reducing malaria transmission. In the SIDHS in 2007 three quarters of all households in both urban and rural areas own at least one mosquito net. However, the availability of ITNs is much lower affecting only one in two households in both urban (50.3%) and rural (48.3%) areas. The use of ITNs was low with less than half of children under five (40.4%) having slept under an ITN.

201. In 2010, 316,108 bed nets were freely distributed covering an estimated household population of 482,522.A total number of 33,762 households were reportedly sprayed with insecticide of which a total population of 168,711 was estimated to be protected.

202. In 2010, 214 primary schools were visited as part of the National Vector Borne Disease Control Programme.[92]

203. Malaria has fallen to the lowest levels in the past 12 years. Annual incidence rate has decreased from 130.91/1000 in 2007 to 82.32/1000 in 2008.In 2010, 103 children were recorded as being admitted to hospital for malaria treatment nationwide. An 11% decline in the number of positive malaria cases occurred between 2008 and 2009.

204. As of 2009, HIV testing is only available in 12 health facilities with relatively low numbers of tests performed. A small number of confirmed cases of HIV infection have been detected however the limited number of people being tested, early sexual promiscuity and high levels of sexually transmitted diseases mean the numbers of HIV cases are highly likely to be unreported.

205. According to the 2007 SIDHS, over three quarters (82.7%) of children aged 12-23 months were reported as having complete vaccination coverage at the time of the survey whilst only 4.3% had no vaccination coverage at all. Immunization rates have continued to improve. For example measles coverage improved from 61% in 2009 to 68% in 2010.However, the immunization rates vary according to province. This reflects the challenges in cold chain coverage across the country to remote areas.

206. The Nutrition Programme has recently adopted the new WHO growth standards and has developed a revised Baby/Child Health Book that is a child health record for each child 0-5 years. This Child Health Book includes the WHO growth charts, the updated immunisation, Vitamin A supplementation and de-worming (Albendazole) schedule. The Baby Book will be the child's health record and utilised during all visits to health service providers.

207. Despite the existence of a national mental health program since 1999 mental health has not been a priority issue. There has traditionally been insufficient policy, resources and services available to those in need. The care for mentally ill people has been left to families, churches and NGOs that are often poorly equipped and ill-prepared to handle a mentally unwell person. The national mental health program was revised in 2001 and again in 2004.

208. MHMS prepared an Integrated Mental Health Plan 2006-2010.This was first step towards a National Mental Health Policy which is still yet to be endorsed.[93] The lack of previous commitment to mental health issues explains the absence of statistics and data to assist in the analysis of mental health. A Pacific review in 2005 noted that only 1.4% of the health budget was allocated to mental health.

---

[91] Insecticide Treated Mosquito Nets

[92] In August 2014, health officers visited schools and made individual house calls for a nation-wide measles vaccination program due to a measles outbreak. Most children of school age received vaccination during this period.

[93] The National Mental Health Policy has been finalized but it yet to be approved by Cabinet.

209. The only statistics available in 2010 is the average age of those diagnosed with mental illness which is 27.78 years. The National Psychiatric Unit in Malaita Province has limited resources and facilities.

210. In 2008, Mental Health Services of MHMS provided training on mental health and common mental illness to a total of approximately 100 children and youths.

211. SIDT completed a Youth and Mental Health Situational Analysis study in 2007 with 19 recommendations. The study recorded suicide rates from January to August 2007 when 41 suicides were reported; 35 of them female and 6 male. Most suicides occur amongst the younger population however there are no disaggregated age data. Substance abuse, depression, suicide, family breakdown and lack of employment and opportunities were significant issues affecting youths.

212. SIDT is currently working together with the Mental Health Division of MHMS and other stakeholders to address issues relating to mental Illness.

213. There is an increase in illegal home brewed alcohol or *kwaso* and marijuana-related mental health cases in urban and rural areas.

D. Reproductive health rights of adolescents and measures to promote a healthy lifestyle

214. The National HIV Policy and Multi-Sectoral Strategic Plan 2005-2010 states the "health and wellbeing of the people of Solomon Islands will not be undermined by the burden of HIV."

215. Low level of understanding exists among youths on risks associated with sexual behaviour. In 2008, MHMS conducted a Second Generation Surveillance (SGS) of antenatal women and youths. SGS involves strengthening existing HIV surveillance systems to improve the quality and breadth of information. SGS found that:

(i) 66% of males and 61% of females reported having sexual intercourse before the age of 16 years;

(ii) among youth who reported having sexual intercourse in the last 12 months, only 11% of males and 4% of females reported consistent condom use;

(iii) 79% of sexually active males and 58% of females reported that they had more than one sexual partner in the last 12 months;

(iv) 12.6% of males and 8.3% females reported having group sexual intercourse in the past 12 months.

216. The 2007 SIDHS found low level of understanding of AIDS in respondents aged 15 to 24 where a high proportion of respondents engaged in high-risk sexual intercourse.[94]

217. An STI Prevalence Survey (SPS) was conducted among pregnant women. A Behavioural Surveillance Survey and SPS were also conducted among youths aged 15 to 24 years. They demonstrated a low level of understanding in HIV/AIDS prevention strategies and causes of infection. The surveys indicated that few youths and pregnant women are being tested for HIV/AIDS and that testing for STIs is low and use of condoms as a preventative measure for both HIV and STIs was low.

[94] Almost four in five young men (78.9%) and two in five young women (43.4%) had high-risk sexual intercourse in the past 12 months.

218. In 2008 to 2009, a survey[57] was organised by the Government and UNICEF to better understand risks and vulnerabilities related to HIV/AIDS among most-at-risk, especially vulnerable youths. This demonstrated a relatively low level of comprehensive knowledge of HIV/AIDS amongst respondents. Only half of the respondents had used a condom, although three-quarters were sexually active. 48% of Respondents displayed low or no perception of personal risk, and lack of focus on changing unsafe behaviour despite a basic understanding of risks. Findings show specific groups among adolescents carry higher risks and vulnerability to STIs, HIV/AIDS.

219. In December 2010 15 HIV positive persons (10 of whom were women) were reported, however there is high probability that the actual incidence of HIV is under-reported and/or untracked. There have been two reported cases of children affected by HIV; one of whom died at the age of three months.

220. Collaboration with HIV stakeholders[58] has strengthened regarding integrations, sharing of resources, and implementation of related HIV program activities.

221. The National STI & HIV program entered an agreement with UNICEF from 2010 to 2012 which has supported programs such as refurbishment of Voluntary Confidential Counselling and Te ing and Prevention of Parent to Child Transmission Sites in parts of the country.[59] Advocacy materials including posters, sponsoring radio air time and development of Communication for Development Project Plan and development of new materials. Operational guidelines on the establishment of Youth-Friendly Health Services have also been developed.

222. The adolescent fertility rate remains high at 12%.The total number of sexually transmitted cases reported in 2003 was 2098 and increased to 5601 in 2007 before declining to 4748 in 2008. The reported decline that year is likely due to non-reporting[60] resulting in no data collection.

223. The SIDHS 2007 reveals a decline in fertility rates over the last 20 years on average women have 4.6 children. Fertility levels are lower for women in urban centres, than rural areas and this difference is pronounced in 15-19 age group where findings show 75/1000 in rural settings and 41/1000 in urban settings. The median age for first birth increased from 20.8 to 21.6 years demonstrating a decrease in adolescent pregnancy.

224. Family planning and knowledge of modern methods of contraception is widely advocated. However, only 27.3% of current married women are using some form of modern contraceptive at the time of the survey.

225. SIPPA[61] is supported by several international agencies including the International Planned Parenthood Federation to operate an Adolescent Reproductive Health (ARH) clinic, engage in advocacy, community education, offering reproductive health education for trainee teachers. It has community-based educators working in six provinces. It utilises radio programs to highlight reproductive health issues. In 2004, SIPPA and MHMS collaborated to establish an ARH clinic in Honiara with a client-friendly focus. 912 youths attended the clinic between January-June 2004 and although disaggregated data was unavailable, staff reported that there was better gender balance than for the adult clinics.

[57] Knowledge, Attitude and Practices Survey

[58] MHMS, SINAC, NGO's, FBOs and CSOs

[59] Malaita Province and Western Province

[60] 2 out of 9 provinces failed to report on cases

[61] Solomon Islands Planned Parenthood Association is a non-profit sexual and reproductive health and family planning organisation

E. Measures to protect children from substance abuse

226. The Tobacco Control Act 2010 defines a child as a person under the age of 18 years and prohibits the sale of tobacco products to children. It requires retailers to display notices to the effect that the sale of tobacco products to children is prohibited and controls passive smoking by prohibiting smoking in public areas such as schools, hospitals, public transport and workplaces. It provides for separate penalties for individuals which include fines and imprisonment and for body corporates which include fines.

227. The Dangerous Drugs Act provides offences for the possession, supply and production of dangerous drugs.

228. The Liquor Act provides the minimum age requirement for the purchase of alcohol at 21 years of age. There are penalties for the sale of liquor to persons under 21 years. A common substance used by youths in the communities is *kwaso*.

229. The 2013 SIG-RAMSI People's Survey reported *kwaso* and marijuana as the two most common causes of conflict in rural and urban communities.

230. MHMS's National Non-Communicable Disease Programme conducted a survey as part of the Global Youth Tobacco Survey in 2010.This survey was conducted on youths aged 13-15 and indicated:

- 41.2% of students had ever smoked (male = 42.8%; female = 39.1%)
- 40.2% currently use any tobacco product (male = 43.9%; female = 37%)
- 24.2% currently smoked cigarettes
- 43.5% who purchased cigarettes in the store were not refused the purchase because of their age, despite the Tobacco Control Act
- 49.9% had been taught in class, during the past year about the danger of smoking
- 38.9% had discussed in class why people of their age smoke
- 49.6% had been taught in class during the past year, the effect of tobacco use

231. Betel nut is another harmful substance that children have ready access to. Young children are often seen chewing betel nut and using the associated lime.[222] There is no legislation protecting children from the harmful effects of betel nut.

232. The 2009 Children's Survey demonstrated that children and youths clearly regarded alcohol and drug use as issues of significance. 87% of respondents indicated that alcohol and drugs were a "very big" or "big" problem for them.

233. SCA has a resource centre based in Honiara High School working with out-of-school children aged 10-16 years from communities assessed to be high risk of poor health to provide literacy, numeracy and information on nutrition, friendships, relationships, drug and alcohol abuse.

234. There is no anecdotal evidence of "hard drugs" being readily available. Marijuana is the most common dangerous drug that is brought to the attention of authorities. The use of marijuana has increased rapidly during recent times. It is possible that harder drugs are available.[223]

[222] Lime is calcium carbonate — the resultant ashes when coral is burned.

[223] The number of international fishing vessels and international loggers increase the risks of dangerous drugs being brought into Solomon Islands.

F. Social security and childcare services and facilities

215. The formal social security system is limited to the Solomon Islands National Provident Fund Act (SINPF) which largely covers formal sector employees and to which obligatory contributions have to be made by employers and employees.

216. The CEWB, if passed by Parliament, will be the first law that establishes, regulates or monitors childcare services and facilities.

217. In 2009 the Government and ILO developed the Solomon Islands Decent Work Country Programme 2009-2012.The Decent Work Country Programme (DWCP) promotes decent work as a key component of development policies and at the same time as a national policy objective of government and social partners. One of the priorities of the DWCP is the promotion of decent employment opportunities, particularly for young women and men and inclusive of persons with disabilities.

218. There is no other formal social security system. Wantokism is a cultural security network that is based on kinship and provides a form of social insurance and mutual support. Many Solomon Islanders have a relative or wantok work in their home as a haus meri (domestic help) to assist with the household chores and supervision of children.

G. Standard of living and measures, including material assistance and support programmes with regard to nutrition, clothing and housing, to ensure the child's physical, mental, spiritual, moral and social development and reduce poverty and inequality

219. The NDS of 2011-2020 produced by the Ministry of Development Planning and Aid Coordination states its overarching focus area is to build better lives for all Solomon Islanders. It also aims to alleviate poverty and provide greater benefits and opportunities to improve the lives of Solomon Islanders in a peaceful and stable society.[102]

220. The 2007 SIDHS demonstrated that children were at both ends of the weight spectrum with 2.9% overweight and 2.4% severely underweight. Overall 90.6% of children reportedly consumed foods rich in vitamin A, but only 31.6% of consumed foods rich in iron in the 24-hour period preceding the Survey. Also only 7.8% received vitamin A supplements and 4.2% receiving iron supplements. Almost one third of children surveyed were identified as having mild iron deficiency.

221. In October 2005–March 2006 the Household Income Survey was conducted. It found that the annual average per-capita household expenditure for the country was estimated to be SBD$5,000 and the median was SBD$3,000, which means that half the household population, on average, spends approximately SBD$3,000 annually.

222. There is no sewage treatment plant and roughly 80% of rural areas nationwide lack any toilet facilities. Solid waste disposal and management is sporadic throughout the country, leaving many families exposed to uncollected rubbish, disease and the fumes of burning toxins. Access to safe drinking water in rural areas has improved whilst access in urban areas has remained static.[103]

[102] Objective 1 of the NDS 2011.

[103] World Vision currently has sanitation projects in the provinces. The SDA church also has a sanitation project.

Measure	*2000*	*2004*	*2010*
Proportion of population using improved drinking water sources, total % of population	70%	70%	na
Proportion of population using improved drinking water sources, urban %	94%	94%	94%
Proportion of population using improved drinking water sources, rural %	65%	65%	82.6%
Proportion of population using improved sanitation facilities, total %	31%	32%	Na
Proportion of population using improved sanitation facilities, urban %	98%	98%	76.8%
Proportion of population using improved sanitation facilities, rural %	18%	18%	7.8%

VIII. Education, leisure and cultural activities

A. The right to education, including vocational training and guidance

243. The Education Act review[104] proposes compulsory education from Year 1 to 9[105] with costs subsidised by the State with emphasis on technical aspects of education so that equal focus is granted to both academic and technical education.

244. Challenges to children's education include: access to education, availability of teachers and other resources, equitable and effective delivery of services by government institutions.

Gross Enrolment Ratios by Education Level and Gender 2006-2010 (Performance Assessment Frameworks 2006-2008, 2007-2009 and 2008-2010)

	F	*M*	***Total***	*F*	*M*	***Total***	*F*	*M*	***Total***	*F*	*M*	***Total***	*F*	*M*	***Total***
Level	*2006*	*2006*	***2006***	*2007*	*2007*	***2007***	*2008*	*2008*	***2008***	*2009*	*2009*	***2009***	*2010*	*2010*	***2010***
ECE	138%	132%	**135%**	155%	149%	**152%**	146%	142%	**144%**	154%	150%	**152%**	149%	147%	**148%**
Primary	117%	120%	**119%**	118%	121%	**120%**	122%	124%	**123%**	126%	127%	**126%**	127%	126%	**126%**
JS	53%	60%	**57%**	57%	63%	**60%**	58%	63%	**61%**	69%	73%	**71%**	71%	76%	**74%**
SS	20%	31%	**25%**	20%	34%	**27%**	22%	34%	**28%**	27%	37%	**32%**	27%	33%	**30%**

[104] The review also considers revised curriculum and examinations.

[105] Students from Years 1 to 9 are usually aged 6 to 17 years.

Net Enrolment Ratios by Education Level and Gender 2006-2010 (Performance Assessment Frameworks 2006-2008, 2007-2009 and 2008-2010)

Level	*F 2006*	*M 2006*	***Total 2006***	*F 2007*	*M 2007*	***Total 2007***	*F 2008*	*M 2008*	***Total 2008***	*F 2009*	*M 2009*	***Total 2009***	*F 2010*	*M 2010*	***Total 2010***
ECE	36%	35%	**35%**	41%	40%	**40%**	38%	39%	**39%**	41%	40%	**41%**	41%	39%	**40%**
Primary	92%	93%	**92%**	92%	95%	**93%**	95%	96%	**96%**	99%	98%	**99%**	99%	98%	**99%**
JS	30%	30%	**30%**	31%	31%	**31%**	33%	32%	**32%**	39%	37%	**38%**	39%	38%	**39%**
SS	17%	23%	**21%**	17%	23%	**20%**	18%	22%	**20%**	21%	24%	**23%**	23%	26%	**25%**

Enrolment numbers by Education Level and Gender 2003-2005

Level	*2003 – total* *Male* *Fem*	*2004 – total* *Male* *Fem*	*2005 – total* *Male* *Fem*	*% Change*
ECE	8 822	10 544	11 251	
	4 482 M	5 364 M	5 728 M	
	4 340 F	5 180 F	5 523 F	6.7%

ECE enrolments by Gender in 2006 = total 14,668 being 6683 males and 6920 females.

Transition Rate from Standard 6 to Form 1 = the percentage of students enrolled in Standard 6 who went on to Form 1 the following year (from 2005 Education Digest Statistics)

	2003 - 2004	*2004 - 2005*
Male	0.85	0.86
Female	0.85	0.88
Total	**0.85**	**0.87**
GPI	1.01	1.02

Completion Rates by Year Level 2006-2009 (rates taken from schools responded to SIEMIS Form 2006-2010) Performance Assessment Frameworks 2006-2008, 2007-2009 and 2008-2010

Year level	*2006*	*2007*	*2008*	*2009*	*2010*
Prep	86.3%	85.0%	80.5%	82.18%	84.56%
Std1	92.7%	94.5%	92.6%	91.5%	90.32%
Std 2	94%	95.3%	96.7%	97.02%	96.72%
Std 3	94.5%	94.7%	91.4%	93.47%	90.0%
Std 4	90.7%	93%	92.7%	95.01%	92.62%
Std 5	89.7%	90.4%	86.6%	88.49%	87.08%
Std 6	82.6%	80.7%	76.0%	88.28%	82.89%
Form 1	85.6%	86.3%	87.9%	91.39%	90.86%
Form 2	85.2%	91.8%	84.4%	91.26%	86.92%
Form 3	73.2%	77.3%	68.7%	108.48%	101.12%

Year level	*2006*	*2007*	*2008*	*2009*	*2010*
Form 4	82.8%	90.9%	87.2%	89.30%	81.05%
Form 5	36%	39.7%	39.1%	44.77%	44.99%
Form 6	24%	26.9%	23.8%	27.69%	26.47%
Form 7	0%	0%	0%	0%	0%

245. In 2010, Cabinet endorsed the Policy Statement and Guidelines for Tertiary Education.

246. The 'Barriers to Education' study identified contributing factors to non-enrolment and drop-outs and strategies that would support MEHRD to increase enrolment and completion rates for the basic education cycle.

247. Drop-out rates at primary schools have increased. Also, junior secondary level drop-out rates have increased from -1% in 2007 to 4% in 2009. Girls show higher drop-out rates than boys at 13% and -8% respectively.

The Performance Assessment Framework 2006-2008 and 2007-2009 provides the education drop-out rates by gender and year level from 2006-2009 as follows

	F	*M*	***Total***	*F*	*M*	***Total***	*F*	*M*	***Total***	*F*	*M*	***Total***
Level	*2006*	*2006*	***2006***	*2007*	*2007*	***2007***	*2008*	*2008*	***2008***	*2009*	*2009*	***2009***
Primary	9%	8%	**9%**	7%	8%	**8%**	7%	6%	**6%**	11%	11%	**11%**
JS	19%	16%	**18%**	7%	-7%	**-1%**	-4%	-18%	**-11%**	10%	-1%	**4%**
SS	54%	56%	**55%**	46%	56%	**52%**	42%	52%	**49%**	48%	52%	**51%**

248. Teacher absenteeism adversely affects children's education. In 2011 a Parliamentary Committee was established to look at the issue of teacher absenteeism. A Performance Audit Report was prepared by the Office of the Auditor General and presented to the National Parliament.[116]

249. The Barriers to Education study[117] found that most children enrol in primary school. From 389 household interviews, only 66 children were identified as not enrolled. Ages in this group varied, but there seemed to be more non-enrolled children towards the two ends of the basic education cycle. More girls (48%) compared to boys (33%) were not enrolled in school. However, the SIEMIS data shows near gender parity at primary and lower secondary levels. The household survey encountered 25 households that had at least one child, who had never at any time in their lives been enrolled in school. This is about 6% of the total number of children covered.

250. Churches and communities invest in vocational education with the Government's support.

251. The "Pacific Children with Disabilities" report found that education for children with disabilities is very limited. Official statistics record that 2% of children with disabilities attend primary school; 1% junior secondary school and less than 1% at senior secondary school. Most children with disabilities in rural areas do not attend school because

[116] Solomon Islands Government (2011). Performance Audit Report — Teacher Absenteeism in Solomon Islands Primary Schools. Office of the Auditor General.

[117] UNICEF and Ministry of Education and Human Resources Development. (2010) Barriers to Education Study.

children do not have physical access to schools. Also, teachers are not sensitised or trained to teach children with special needs.

Number and Percentage of Students with Disabilities Enrolled in Education in 2006-2010

Level	*No. 2006*	*% 2006*	*No. 2007*	*% 2007*	*No. 2008*	*% 2008*	*No. 2009*	*% 2009*	*No. 2010*	*% 2010*
Primary	2 363	2%	2 715	3%	2 328	2%	2 006	2%	2 293	2%
JS[108]	180	1%	225	1%	260	1%	169	1%	299	1%
SS[109]	118	1%	33	0%	39	0%	29	0%	115	1%

B. The aims of education also with reference to quality of education

252. NDS 2011-2020 aims to "ensure all Solomon Islanders can access quality education and the nation's manpower needs are sustainably met".[110]

253. MEHRD begun implementing CRRP from 2005-2010. CRRP's goals are to integrate subject syllabuses and to establish a continuous learning pathway from Years 1 to 9.

254. From the 2009 Population and Housing Census: Literacy rate for 15 years and over is a total of 84.1%. Males were recorded at 88.9% and females 79.2%.Literacy rate for 15-24 year olds in total was 89.5%. This was made up of 90.5% for males and 88.4% for females.

255. SISTA is designed to assess Achievement levels of Literacy and Numeracy based on the expected Learning Outcomes as stipulated in the National School Curriculum for Class 6.[111]

256. In 2006 SISTA was carried out. Results showed that the majority of children performed below the critical level. In response, programmes have been developed and implemented including:

(i) The review and development of the basic education curriculum requiring the rewrite and production of books for class 1 to Form 3.

(ii) The review of the teachers training programme at SICHE School of Education (now SINU) completed in 2008 and programmes offered in 2009.

(iii) 223 untrained teachers under the Teachers in Training Programme graduated in December 2009.

[108] Junior Secondary School.

[109] Senior Secondary School.

[110] Objective 4.

[111] A standardised test of achievements carried out in Classes 4 and 6 to monitor standards of literacy and numeracy levels in schools.

Number of Pupil/Teacher/Qualified/Certified Ratio 2006-2010 (Performance Assessment Frameworks 2006-2008, 2007-2009 and 2008-2010)

Level	*2006 ratio*	*2006 qual*	*2006 cert*	*2007 ratio*	*2007 qual*	*2007 cert*	*2008 ratio*	*2008 qual*	*2008 cert*	*2009 ratio*	*2009 qual*	*2009 cert*	*2010 ratio*	*2010 qual*	*2010 cert*
ECE	16.5	87.4	102.8	19.3	79.2	122.9	18.4	49.3	85.8	19.0	69.9	39.3	17.6	56.4	33.2
Prim	25.5	40.3	40.9	25.4	46.5	48.5	25.3	43.6	46.4	23.7	41.1	38.1	24.4	42.1	39.3
SS	22.8	29.9	32.8	22.1	30.4	36.7	21.4	27.9	33.4	25.0	34.9	29.2	25.9	36.5	30.5
TVET			32.4	147.6	147.6	19.0	40.9	40.9	19.9	32.5	32.2	18.2	31	31.0	

257. Despite the measures, 2010 results showed that 8% met all expected outcomes; 11% met satisfactory levels for literacy; and 41% underperformed, meaning one out of every two learners met literacy standards.

258. For national numeracy, there was an overall slight improvement in achieving satisfactory levels by 5 % compared to 2005/2006. 41% meet the necessary standards, but yet 47% still form a critical group of underachievers.

259. The 2008 National ECE Policy resulted in the developing of the ECE national curriculum, registered centres, well-trained and paid ECE teachers. National budgetary allocation for ECE is higher for government-supported education authorities as opposed to privately run ECE education authorities. ECE policy statement and guidelines include that children should commence ECE at the age of three and complete it by the age of six.

260. The Study[112] reported that while the official language is English, most children do not speak English as their first language. This is reflected by the high number of drop-outs in the first two grades of primary education. Teacher absenteeism was the fourth most important reason for student absenteeism (10.6%).

C. Cultural rights of children belonging to indigenous and minority groups

261. The Constitution provides provisions protecting all (including minority groups such as the i-Kiribati, Chinese and others) from discrimination.

262. The Cabinet-endorsed 2009 Policy Statement and Guidelines for Basic Education maintains that: "Education is a fundamental right. Every child regardless of race, gender, disabilities, family background, language and culture, is entitled to quality basic education."

D. Education on human rights and civic education

263. In 2011 UPR, the Government recognised the importance of human rights as a subject. The Social Science textbook for year 8 was reviewed in 2011 to include three chapters on human rights; Rules, Laws and Judiciary.[113] The teaching service handbook was reviewed in 2011 which refers to Articles 1 to 42 of CRC.

[112] UNICEF and Ministry of Education and Human Resources Development, (2010) Barriers to Education Study.

[113] The role of courts and laws in the protection of human rights and the basic freedoms that citizens have guaranteed in the Constitution; Gender Inequality — how gender equality should be encouraged in societies; and Women and Leadership — the changing role of women and barriers that women face within society.

264. In 2011 MEHRD reviewed curriculum for primary and secondary schools. The Government then committed to improve knowledge in respect of human rights by developing a peace education syllabus.

E. Rest, play, leisure, recreation and cultural and artistic activities

265. Physical education forms part of primary and secondary school curricula.

266. The National Youth Policy promotes the importance of sports not only for physical and mental health and competition but also to unite communities. It also recognizes the importance of children's participation in sports and other extra-curricular activities.

267. FBOs also promote the importance of such activities for youths and children to unite communities.

268. The 2009 Children's survey demonstrates that 72% of respondents regarded homework and housework as either a "very big" or "big" problem for them because they do not have time for leisure.

IX. Special protection measures

A. Children outside their country of origin seeking refugee protection, unaccompanied asylum-seeking children, internally displaced children, migrant children and children affected by migration

269. Internal displacement and migrating children are common occurrences. CCC maintains statistics on children who have sought refuge at the Center. Churches assist in looking after displaced children through child, youth and young adult-focused programs.

270. The ethnic tensions from 1999-2003 was a major cause for internal displacement of people. An unofficial estimate of at least 35,000 people were displaced.

271. The tsunamis in 2007 and 2012 in Western Province and Temotu Province respectively, resulted in internal displacement of children. Since the 2007 tsunami the response system to natural disaster has become more formalized. A committee ("Internally Displaced People and Welfare Cluster" or IDPWC) is co-chaired by MWYCFA and the Ministry of Provincial Government and Institutional Strengthening.

272. UNICEF led a sub-cluster of IDPWC to coordinate the disaster response on child protection in emergency together with World Vision, SCA, the Government and other NGOs in the 2014 April floods. They identified children separated from their parents and created child-friendly spaces. The National Disaster Risk Management Plan 2010 establishes requirements for recovery and rehabilitation. MEHRD published a Policy Statement and Guidelines in 2011 for Disaster Preparedness and Education in Emergency Situations.

273. In 2011, a SCA study "Internal Migration of Children and Youth in the Solomon Islands" was published which found that many children migrated to enrol in primary and secondary schools situated away from their home village. Exploitation and adventure-seeking were also reasons for internal migration.

274. Migration and internal displacement is also caused by climate change. There are plans for communities with a proposed relocation and resettlement scheme. Adaptation remains a challenge for low-lying communities who are forced to relocate to different geographical and cultural environments.

B. Children belonging to a minority or an indigenous group

275. Section 15 of the Constitution protects children belonging to a minority or an indigenous group.

276. While Solomon Islands consists of Melanesians, Polynesians and Micronesians, all citizens are referred to as Solomon Islanders.

C. Children in street situations

277. The Penal Code criminalises homelessness and poverty of children. This means that that children who already have no means to support themselves can be punished by the court if they are found guilty of being a vagrant.

278. In absence of a state care system, FBOs and NGOs provide some assistance. CCC assists in providing emergency shelter and food for homeless children. The Catholic Church's Don Bosco Society Centre focuses on youth in conflict with the law. FSC and other NGOs also assist homeless youth.

D. Children in situations of exploitation including physical and psychological recovery and social reintegration

279. The CP Baseline Report confirms that abuse and exploitation of children is widespread, cutting across boundaries of culture, faith, and race.

280. Since 2008, the number of social welfare officers in provinces has increased.

1. Economic exploitation, including child labour

281. Solomon Islands has not ratified C182 Worst Forms of Child Labour Convention or C138 Minimum Age Convention in the ILO Convention. Section 46 of the Labour Act establishes the minimum age for employment of children to be 12 years with the exception of children being allowed to be employed in the company of parent/caregiver in light domestic/agriculture or other forms of employment deemed suitable by the Minister.

282. The FPA 2014 defines domestic violence to include economic, psychological, physical and sexual abuse within the domestic setting.

283. The Commissioner of Labour is responsible for enforcing anti-child labour laws though the operational department does not have Labour Officers to enforce the law or to investigate reports of child labour violations.

284. MWYCFA works in partnership with NGOs and local partners to protect children from exploitation in the work place.

285. In 2009 the Government and the ILO developed the DWCP 2009-2012 which promotes decent work as a key component of development policies. Its' priority is to promote decent employment opportunities, particularly for young women and men inclusive of persons with disabilities.

286. 2004 and 2007 studies on CSEC suggest that boys and girls are being used as child labour in the logging, tourism and fishing industry. Anecdotal evidence suggests that children are being used in logging camps as cooks as well as in the production and sale of *kwaso*.

287. No research has been conducted on the prevalence of child labour which can be difficult to prove when many children are not registered at birth (no proof of age).

288. Exploitation occurs when young girls staying with their relatives work as house girls in their new homes.

2. Use of children in illicit productions and trafficking of narcotic drugs and psychotropic substances

289. The Dangerous Drugs Act prohibits the possession, distribution, selling and production of prohibited drugs. The Liquor Act controls the manufacture, distribution, sale and production of alcohol and related substances including homebrew liquor.

290. Anecdotal evidence suggest that children are used in the production of *kwaso*. There is no data available on the numbers involved in these types of offences or its prevalence. Many young children do chew betel-nut which is a form of local drug. The Honiara City Council is proposing stricter regulation on betel-nut sale in Honiara.

3. Sexual exploitation and sexual abuse

291. The Penal Code provides for offences against sexual exploitation and sexual abuse which are however discriminatory against boy child victims and people with disabilities.

292. NGOs funded by AusAID (including FSC) are required to have a Child Protection policy as part of their standard operating procedures in dealing with child abuse cases.

293. The 2006 regional report on "Child Sexual Abuse and Commercial Exploitation of Children in the Pacific: A Regional Report" by UNICEF, UNESCAP, ECPAT and the Government. The findings of this Report include the following:

(i) existence of sexual abuse and CSEC;

(ii) inadequate data collection by government agencies and other organizations prevents any real attempt at quantifying the extent of sexual abuse and CSEC;

(iii) child sexual abuse occurs in urban centres and rural areas;

(iv) child prostitution and opportunistic child sex tourism of boys and girls exist but evidence of trafficking in children for sexual abuse or exploitation is not provided. Some of these abuse victims are linked to the logging industry.

294. CSEC is rarely reported to the police. Police do not patrol the coast for CSEC in relation to fishing boats commonly known to be utilising the sexual services of young girls. Police and CCC conducted some awareness-raising activities around CSEC in logging camp areas.

295. 2007 NACC established TACSEC to ensure a coordinated approach to the issue of CSEC. TACSEC's role is to advocate for policy change and action, awareness-raising in communities where CSEC has occurred (for the prevention of CSEC and communities' capacity to support children) and the private sector.

296. The 2009 SIFHSS found that 37% of respondents (women aged 15-49) reported having experienced sexual abuse during their childhood (under age 15).That is nearly one in two women reporting sexual abuse before reaching age 15.

297. Anecdotal evidence suggests communities close to logging camps operated by foreign loggers were exploiting the bride price system to formalise union of girls to foreign loggers.

298. MWYCFA's 2014 work plan includes the ratification of the optional protocols of CRC. The Trafficking in Persons Advisory Committee is multi-disciplinary with representatives from across government and established by MCILI to focus on issues relating to trafficking-in-persons including children.

4. Sale, trafficking and abduction

299. The Penal Code criminalises domestic human trafficking through its kidnapping provisions and prohibits various activities associated with trafficking such as forced prostitution, labour and begging. The Immigration Act 2012 provides offences relating to people trafficking and smuggling.

300. Child abduction offences by parents are limited. Solomon Islands has not signed the Hague Convention or adopted the Stockholm Declaration and Agenda for Action.

301. The CLAPP report revealed anecdotal evidence that the customary practice of bride price was exploited to sell young girls to foreign loggers.

302. From 2011-2012 the US Government funded an anti-trafficking program and worked with CSOs such as SICA and FSC. SICA identified four problem areas to conduct workshops on anti-trafficking issues as a method of data collection and community education. Pamphlets were sent to the provinces to strengthen referral mechanisms. The program did not specifically focus on children but generally addressed child victims. Workshops focused on women, children and logging camps.

E. Children in conflict with the law, victims and witnesses

1. The administration of juvenile justice, the existence of specialized and separate courts and the applicable minimum age of criminal responsibility.

303. In 2009, the Evidence Act was passed effecting the abrogation of corroboration rules.

304. The Penal Code provides for the minimum age of responsibility. This has not been amended since the previous report and remains 8 years of age. Children aged between 8 and 12 are only regarded as criminally responsible if it can be demonstrated that they have capacity.

305. There is legal protection of the minimum human rights, a separate children's court is required and discretion exists for some diversionary and alternative sentencing procedures. The Juvenile Offenders Act is pending review.

306. The CP Baseline Report suggests that large numbers of children in conflict with the law are being dealt with in traditional systems. Awareness-raising on juvenile justice and child-friendly processes was conducted for chiefs. Impartiality by chiefs can be compromised especially where a wantok or family member is involved. Traditional systems as a source of pre-court diversion is unregulated and inconsistent. There are no formal diversion options currently available to RSIPF. No data exists for informal diversion options; however, the baseline report suggests that this occurs in more than 50% of cases.

307. The Office of the Director of Public Prosecutions attempts to ensure court familiarisation for child victims/witnesses despite no formal victims/survivor's assistance program. Police prosecutors sometimes assist child victims/witnesses through this court familiarisation process.

308. The existing Judicial Bench Book provides limited direction in relation to child victims and witnesses. In 2011 UNICEF and SCA commenced work with the Magistrates Court to update the Bench Book to ensure that it complies with CRC and provide child-friendly court processes. This was abandoned in favour of advocating for legislative reform to the Juvenile Offenders Act. The Evidence Act provides substantial protective measures for child victims though these are not practically available outside of Honiara.

309. In 2008 SWD developed inter-agency protocols for children in conflict with the law in the following service areas:

- Correctional Services and SWD — provision of social welfare services in the correction facility in Honiara;
- Magistrates Court and SWD — strengthen the existing referral system for children in conflict with the law;
- Police and SWD — referral protocols for children in conflict with the law.

310. Implementation is often difficult because of human and financial resource constraints.

311. The Juvenile Offenders Act provides for separate courts for juveniles. Juvenile courts are conducted as closed courts and there are restrictions on the publication of identifying particulars. Specialist separate courts are however often impractical outside of Honiara and in areas where court is conducted outside of a specialised court room. A lack of infrastructure often means that these restrictions are impossible to enforce.

312. There is a specialised unit of police for child abuse and a separate unit for family violence in Honiara. There is no separate or specialised unit to handle cases involving children in conflict with the law. There are no child-friendly interview environments and techniques (such as pre-recordings of evidence) available. Police usually refer child victims to FSC or SWD. However, this is only accessible in Honiara. In Honiara a Magistrate has been trained in relation to juvenile justice issues and usually operates the Children's Court under the Juvenile Offenders Act.[114] Beyond Honiara, there are no specialist Magistrates for children. Further, some Magistrates have little training and do not hold any legal qualification. In some provinces there is no resident Magistrate. Consequently, matters await a provincial court circuit tours to be conducted. These are often cancelled because of funding, transport issues and on occasions weather. This causes significant delays in cases involving children in conflict with the law and cases involving child victims and witnesses.

313. Anecdotal evidence suggests that police pre-charge diversion practices generally involve police referring matters to traditional processes, applying informal corporal punishment or giving a warning.

314. The Magistrates Court does not always know the age of children or youths coming before it due to the fact that births are not properly registered. There are no facilities providing alternative arrangements for giving evidence such as videotaped evidence and closed circuit television. Screens are sometimes provided but this may not always be possible in the provincial circuit courts due to lack of appropriate facilities.

315. In 2006, SCA introduced the CYiCL project. Phase 1 was conducted from 2006-2009 and phase 2 commenced in 2010 with a scheduled completion in June 2013.This project was in response to the report to the Committee, concerns about children as militants during the tensions and the capacity and ability of the Juvenile Justice System to "promote and protect the best interest of the child." The objective is for children and youths to avoid in engaging in high risk behaviour that may lead to committing crimes and enhance the quality of justice for those who come into conflict with the law.

2. Children deprived of their liberty, and measures to ensure that any arrest, detention or imprisonment of a child shall be used as a measure of last resort and for the shortest appropriate time and that legal and other assistance is promptly provided.

316. The Correctional Services Act 2007 refers to young prisoners as those prisoners that are under the age of 18 years or a prisoner under the age of 21 years who in the opinion of the Commandant or court may be at risk in a correctional centre.

[114] The Magistrate has resigned from the Magistracy and is now a private legal practitioner.

317. The Juvenile Offenders Act (JOA) provides that a sentence of imprisonment should only be given if "he" can be suitably dealt with in one of the methods outlined in section 16.[115] However, section 16 contains sentencing options such as probation which require supervision and are not practical for the court to order.

318. Although the JOA provides that a sentence of imprisonment should only be used as a last resort, anecdotal evidence suggests that it is often given in circumstances where alternative sentences could and should be imposed. These options include community based orders that are not possible as there are no community based organizations equipped to supervise these types of orders nor are any probation programmes in existence. Therefore, probation orders are not imposed by the court. Courts readily impose sentences of imprisonment on children. However, the numbers of children in custody are low and this suggests that the numbers of children coming through the formal justice system are low and that informal diversionary methods are occurring first.

319. The Juvenile Facility in Honiara holds children under the age of 18 years and is part of the Rove Correctional Centre which houses adult male and adult female offenders. Male children are kept separate from adults. Although, there is currently no designated separate detention facility for girls from women there is capacity for this if required. To date there has never been a girl child detained in prison. The Juvenile Facility is a "centre within a centre". This creates many significant issues in relation to the culture and operation of the facility. Many of the facilities are shared between the two centres, such as the health clinic and library. Although it has its own Operations Manual for procedures specifically designed for children, it is occasionally manned by correctional officers who have no juvenile justice training and are not familiar with the different operating procedures of the juvenile facility. Consequently, the Operations Manual is not always implemented as intended.

320. Legal assistance is available to juvenile prisoners within the Juvenile Facility. CSSI staff facilitates visits by the Public Solicitor's Office which provides free legal assistance to children in conflict with the law.

321. There is a new 60-bed correctional centre in Auki, Malaita Province containing separate facilities for juvenile prisoners. Although this would enable Malaitan children to remain in their home province, it does not necessarily mean that they stay in the correctional centre in Auki. For reasons of social and moral support, social interaction and access to programs children in the Auki Correctional Centre would usually be brought to the Juvenile Facility in Honiara. A new correctional centre is under construction in Gizo, Western Province. It is proposed that it will have 48 beds for adults with two cells for children on remand or serving sentences. For reasons similar to those outlined in relation to Malaita Province, it is highly likely that any child detained for any considerable length of time would be transferred to the Juvenile Facility within Rove Correctional Centre in Honiara. No other provinces have separate facilities for children in detention.

322. At police stations children are not always kept in cells separate from adults often because of a lack of resources and infrastructure, particularly in the provinces. However, this also occurs in Honiara due to lack of holding cells at various stations and police posts around Honiara. The only option for many stations which lack separate facilities is to hold the child in an office which again raises considerable issues, particularly in stations or posts that are only manned by one officer. Contacting parents/guardians at the time of arrest is not standard practice and is dependent on the officer making the arrest.

[115] Section 12.

3. The sentencing of children, in particular the prohibition of capital punishment and life imprisonment and the existence of alternative sanctions based on a restorative approach

323. The Juvenile Offenders Act prescribes what sentences are available to the court when dealing with a child. However, the Act is in need of urgent reform as it is outdated. For example, the Act provides for probation as a sentencing alternative. However, there is no governmental authority designated as responsible for regulating and monitoring diversion and alternative sentencing programmes. Consequently, probation is never given as a sentencing option despite it being an option available under the legislation.

324. Capital punishment is not provided for. However, the Penal Code provides for mandatory life imprisonment in relation to murder.

325. There are no formal community-based programmes available as either options for diversion or as sentencing options. However, there is a formal mechanism for diversion under the Magistrates Court Act in the form of a reconciliation process for minor assaults and other minor matters. There is also the power for the court to impose a discharge under the Juvenile Offenders Act.

326. There is no specific legislation in either the Penal Code or the Juvenile Offenders Act which specifically prevents the imposition of mandatory life sentencing of persons under the age of 18 years. However, recent case-law has established that mandatory life imprisonment is not applicable when sentencing juvenile offenders convicted of murder and that the court retains its' sentencing discretion. In both R v Kelly and R v Pese, the Court of Appeal of Solomon Islands set aside mandatory sentences of life imprisonment given to juvenile offenders. On each occasion the Court of Appeal remitted the matter back to the original sentencing judge for re-sentence. In each of these cases the juvenile offender was sentenced to a term of imprisonment followed by a term in the community under the care and supervision of a family member

4. Physical and psychological recovery and social reintegration

327. The Correctional Services Act 2007 allows early release with community supervision and for educational and other programmes but the implementation of these provisions depends on resources. Apart from various initiatives undertaken by faith-based organisations, there are no community based agencies tasked with social reintegration.

328. The law provides for compensation for victims/survivors but is otherwise silent in relation to the rehabilitation and protection of child victims/survivors of abuse, neglect and exploitation.

329. The Guadalcanal Provincial Youth Policy stipulates that one of its key policy objectives is to provide support structures for the reintegration of young offenders into the community and to prevent individuals from reoffending. However, it is unclear as to whether or not this policy objective is currently being implemented.

330. An inter-agency protocol signed in 2008 between CSSI and SWD established a system of case management for children and women who are in detention. It provides an opportunity to link the child upon release with any community based services that may become available with NGO's such as SICA and SIFGA and other FBOs. There is considerable reliance on FBOs to fill gaps where there are no formal reintegration programmes. This can be done in a number of ways, facilitating reconciliation, organizing activities and participation in the running of the church.

331. Juveniles under the age of 18 years are not provided an opportunity to continue their formal education whilst serving their sentence. There is currently no link between CSSI and MEHRD. Consequently, there are no formal education programmes available to children

whilst they are in detention. Therefore, upon their release they are unlikely to resume their schooling as they have continued to fall behind their peers and their reintegration is more difficult.[110]

332. Objective 4 of the CYGL programme conducted by SCA is "juvenile detainees leaving detention achieve positive re-integration into the community". In 2011, SCA and CSSI executed a Memorandum of Understanding which has the objective of increasing opportunities for youth and children in contact with the criminal justice system to achieve positive reintegration into the community. The programme provides for mentors to assist children to maintain their link with their families, communities and assist on their reintegration upon release. SCA is also funding a counsellor based at SWD who is assessing all juveniles and providing ongoing counselling. Currently new mentors are being matched with children who are serving sentences of detention.

9. Training activities developed for all professionals involved with the juvenile justice system on the provisions of the Convention and other relevant international instruments in the field of juvenile justice including the guidelines on Justice in Matters involving Child Victims and Witnesses of Crime

333. In recent years there has been some *ad hoc* training available to some Magistrates and Judges provided by the Regional Rights and Resources Team, SCA and the South Pacific Council of Youth and Children's Courts.

334. There have been two blocks of training for Correctional Service officers who work with youths in detention. The first block of training was conducted in 2006 as part of the commissioning of the Juvenile Facility and the second was conducted in 2011 as part of the recommendations of the 2010 review of the Juvenile Facility. However, the sharing of staff between the Juvenile Facility and the adult Rove Correctional Centre means that often officers who are untrained in juvenile justice issues are working within the Juvenile Facility.

335. In 2010, RSIPF instituted a training module on juvenile justice which is delivered to all recruits. The training is currently provided by SCA and totals approximately five hours of instruction during the course. MWYCFA will also provide training for professionals involved with juvenile justice.

F. Children in armed conflicts, including physical and psychological recovery and social reintegration

336. There are no maintained government armed forces. The law provides that where a need arises, armed forces can be drawn from the RSIPF which has a minimum age of 18 for recruitment. Since 2003 RAMSI provided military and police support under the Facilitation Act 2003. Also, Solomon Islands has signed the Geneva Conventions.

337. Internal and cross-border conflicts in recent years have involved children as armed combatants or civilian armed groups.

338. Recruitment of children by militias or other cases of alleged war crimes that would have affected children during the ethnic tensions have not been investigated. The establishment of the Ministry of National Unity, Peace and Reconciliation was in direct response to the ethnic conflict. The TRC established under the Truth and Reconciliation Act 2007 was set up to inquire into the ethnic tensions and its effects. A National Peace and Reconciliation Policy and a Women, Peace and Security Plan of Action have been developed.

[110] The Education Bill provides for reintegration of juvenile offenders and pregnant students.

139. The 2002 UNDP introduced the DDR Prog[illegible] there were no specific measures to ensure that child soldiers would be identified and would be a part of this demobilizing action.

140. Other than the child soldiers recently freed, other victims of the armed conflict were girls who were subjected to gender-based violence such as rape and sexual violation. The 2008 Amnesty International Report entitled "Women Confronting Violence" provides detailed encounters that some young girls faced during these years of unrest. There is no available data suggesting young girls, who were subjected to such abhorrent behaviour, were provided support and assistance post-conflict.

141. In 2004, a priority objective of the National Economic Recovery Reform and Development Plan 2003-2006 was to formulate and implement a national program for reintegration and rehabilitation of conflict-affected youths. 86 youths were then trained in leadership skills. In 2004, 28 youths graduated as community paralegals to advocate for human rights. There was particular awareness and training on the CRC.

142. TRC was mandated to determine the causes of the tension. It conducted hearings in which participants provided ethnic tension-related information, occurrences during the tension and its potential causes. Counselling services were provided during hearings. Hearings also included children victims of the tension but not necessarily child soldiers. The final TRC report has been tabled in Parliament.

X. Optional protocols

143. Solomon Islands has signed the Optional Protocol to CRC on the Sale of Children, Prostitution and Child Pornography. SAMOC has initiated discussions with stakeholders to commence the process for ratification of these two optional protocols.

XI. Annexures

Recommendations of the Committee on the Rights of the Child and status of their implementation in Solomon Islands

Recommendations	Progress
CRC/C/15/Add.208 6 (a)	s.1A, pp. 3, 5, 6, 7, 8
CRC/C/15/Add.208 6 (b)	s.1A, p. 2
CRC/C/15/Add.208 8	s.1C, p. 20
CRC/C/15/Add.208 10 (a)	s.1E
CRC/C/15/Add.208 10 (b)	s.1E, p. 33
CRC/C/15/Add.208 12	s.1H, p. 37
CRC/C/15/Add.208 14	s.1H3, s.1I, p. 41
CRC/C/15/Add.208 16	ss.7 & 8
CRC/C/15/Add.208 18 (a)	s.1G, pp. 32-33, s.3H, p. 67, s.9E, p. 333
CRC/C/15/Add.208 18 (b)	s.1E, p. 27, s.4A p. 98, s.4C p. 102-103
CRC/C/15/Add.208 20 (a), (b) & (c)	s.1A pp. 1, 10
CRC/C/15/Add.208 20 (d)	s.8A p. 283, s.8B p. 299
CRC/C/15/Add.208 22	s.1A pp. 91, 97 & 98

Recommendations	*Response*
CRC/C/15/Add.208 23	s.4C pp. 102, 103, s.4D, s.6B, s.7D p. 225, s.8A p. 251, s.8B pp. 252, 253 & 259
CRC/C/15/Add.208 25 (a) & (b)	s.3B
CRC/C/15/Add.208 27 (a) & (b)	s.3D pp. 81, 82, 84, 85
CRC/C/15/Add.208 27 (c)	s.3D pp. 87-90
CRC/C/15/Add.208 29 (a), (b) & (c)	s.4A pp. 93, 94, 96, 97, 98
CRC/C/15/Add.208 31 (a)	s.5D, pp. 127-128
CRC/C/15/Add.208 31 (b)	s.5D, pp. 129-131
CRC/C/15/Add.208 31 (c)	s.6B p. 141
CRC/C/15/Add.208 31 (d)	s.5A p. 118
CRC/C/15/Add.208 31 (e)	s.5E, pp. 135-136
CRC/C/15/Add.208 31 (f)	s.3B, p. 67, s.9E, p.335
CRC/C/15/Add.208 31 (g)	s.1A, pp. 4, 11, 13; s.4C, p. 102; s.5A, pp. 116, 117; s.5D; s.7C, p. 197; s.9D p. 293
CRC/C/15/Add.208 33 (a)	s.6B p. 141
CRC/C/15/Add.208 33 (b)	s.1I p. 42
CRC/C/15/Add.208 35 (a)	s.6F p. 151
CRC/C/15/Add.208 35 (b)	s.6F pp. 152
CRC/C/15/Add.208 35 (c)	s.9E(i) pp. 309
CRC/C/15/Add.208 35 (d), (e)	s.6H
CRC/C/15/Add.208 35 (f)	s.6G
CRC/C/15/Add.208 35 (g)	s.6H
CRC/C/15/Add.208 37 (a)	s.5A p. 118
CRC/C/15/Add.208 37 (b)	s.5E pp. 135, 136
CRC/C/15/Add.208 37 (c)	s.5A pp. 117, 119, 121
CRC/C/15/Add.208 39 (a)	s.7B pp. 189, 190
CRC/C/15/Add.208 39 (b)	s.3A p. 58
CRC/C/15/Add.208 39 (c)	s.7B p. 190
CRC/C/15/Add.208 39 (d) & (e)	s.7B p. 191
CRC/C/15/Add.208 41 (a)	s.7A, pp. 167, 169
CRC/C/15/Add.208 41 (b)	s.7A, p. 167
CRC/C/15/Add.208 41 (c)	s.7A, pp. 171, 182
CRC/C/15/Add.208 41 (d)	s.7C, p. 206
CRC/C/15/Add.208 41 (e)	s.7A, p. 174, s.7G, p. 240
CRC/C/15/Add.208 43 (a)	s.7D p. 225
CRC/C/15/Add.208 43 (b)	s.7D p. 215
CRC/C/15/Add.208 43 (c)	s.7C p. 194
CRC/C/15/Add.208 43 (d)	s.7E pp. 226, 227, 228
CRC/C/15/Add.208 43 (e)	s.7A, p.175
CRC/C/15/Add.208 45 (a)	s.7G, p. 239
CRC/C/15/Add.208 45 (b)	s.7F, pp. 235, 237, 238
CRC/C/15/Add.208 45 (c)	s.7G, p. 242

Recommendations	*Response*
CRC/C/15/Add.208.47 (a)	s.1D, p. 23
CRC/C/15/Add.208.47 (b)	s.8A, p. 243
CRC/C/15/Add.208.47 (c)	s.8A, pp. 246, 247
CRC/C/15/Add.208.47 (d)	s.8A, p. 246
CRC/C/15/Add.208.47 (e)	s.8D, pp. 263-264
CRC/C/15/Add.208.47 (f)	s.8A, p. 250
CRC/C/15/Add.208.49	s.9A
CRC/C/15/Add.208.51 (a)	s.9F
CRC/C/15/Add.208.51 (b)	s.9F
CRC/C/15/Add.208.51 (c)	s.9F
CRC/C/15/Add.208.51 (d)	s.9F
CRC/C/15/Add.208.53 (a), (b), (c), (d)	s.9D, pp. 281-288
CRC/C/15/Add.208.55 (a),(b),(c),(d),(e),(f)	s.1A p. 5, s.6I p.159, s.9D pp. 293, 295, 298, 299
CRC/C/15/Add.208.57	s.9C
CRC/C/15/Add.208.59 (a)	s.1A, s.9E, pp. 333-335
CRC/C/15/Add.208.59 (b)	s.9E, p. 304
CRC/C/15/Add.208.59 (c)	s.9E, p. 318
CRC/C/15/Add.208.59 (d)	s.9E, p. 320
CRC/C/15/Add.208.59 (e)	s.9E, pp. 305, 311
CRC/C/15/Add.208.59 (f)	s.9E, pp. 318, 326
CRC/C/15/Add.208.59 (g)	s.9E, pp. 319-322
CRC/C/15/Add.208.59 (h)	s.9E, p. 325
CRC/C/15/Add.208.59 (i)	s.9E, pp. 309, 312
CRC/C/15/Add.208.59 (j)	s.9E, p. 308
CRC/C/15/Add.208.60	s.9D, p. 298, s.10 p. 343
CRC/C/15/Add.208.61	ss.1G, 1H, 1I